

WASHINGTON STATE DEPARTMENT OF ECOLOGY

1999 Legislative Implementation Plan

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SUBSTITUTE HOUSE BILL 1165

Making Appropriations and Authorizing Expenditures for Capital Improvements

PROGRAM IMPACTS

This bill is the Capital Budget bill for the 1999-01 biennium. It funds the budget submitted by Ecology and the Governor, as modified by the Legislature. Ecology's Capital Budget primarily funds grant programs which provide money to local governments for environmental purposes.

Major new programs are a draught preparedness program that will provide grants to local irrigation districts, and a pilot project for the purchase of water rights. Major ongoing programs receiving new funds are for water supply facilities, clean water projects, water pollution control, and toxics control and cleanup.

RESOURCE IMPACTS

The Department's new capital appropriations are \$22.9 million higher than last biennium, an increase of 10.5 %.

WORK PLAN

The workplan for this bill is, in effect, the work plans for each of the separate items funded by the bill, which are in five agency programs. Programs have made initial spending plans, and summary allotments will be submitted to the Office of Financial Management on July 30. All programs will have completed detailed spending plans by September 15, and their detailed allotments will be incorporated into the September financial reports.

Contact person: Jim Dannenmiller - Financial Services Division
Phone: (360) 407-7049; E-mail: jd461@ecy.wa.gov

FINAL BILL REPORT

SHB 1165

PARTIAL VETO

C 379 L 99

Synopsis as Enacted

Brief Description: Making appropriations and authorizing expenditures for capital improvements.

Sponsors: By House Committee on Capital Budget (Originally sponsored by Representatives Murray, Mitchell, Radcliff, Hankins and O'Brien; by request of Governor Locke).

House Committee on Capital Budget
Senate Committee on Ways & Means

Background:

The programs and agencies of state government are funded on a two-year basis, with each fiscal biennium beginning on July 1 of odd-numbered years. The capital budget generally includes appropriations for the acquisition, construction, and repair of capital assets such as land, buildings, and other infrastructure improvements. Funding for the capital budget is primarily from state general obligation bonds, with other funding derived from various dedicated taxes, fees, and state trust land timber revenues.

Summary:

The omnibus 1999-01 capital budget authorizes \$2.291 billion in new capital projects, of which \$987.3 million is from new state bonds authorized for the 1999-01 biennium. Reappropriations of \$1.2 billion are made for uncompleted projects approved in prior biennia.

The capital budget also authorizes state agencies to undertake various lease-purchase and lease development projects.

Votes on Final Passage:

House	93	2	
Senate	47	2	(Senate Amended)
Senate	47	2	(Senate Amended)
House	96	0	(House Concurred)

Effective: May 18, 1999

Partial Veto Summary: Section 109, lines 16-31, Department of Community, Trade, and Economic Development - Burke Museum Governance and Siting Study: The Governor deleted the governance study added by the Legislature.

Section 748 (1), Washington State Historical Society - Washington Heritage Projects: The Governor vetoed the provision requiring state funds to be disbursed to projects in the order that matching requirements are met. This is consistent with Chapter 295, Laws of 1999 (SHB 1222) which ranks Heritage projects on a prioritized basis.

Section 923, Office of the Governor - Salmon Recovery Grants Program: The Governor vetoed the \$111.8 million capital budget appropriation for salmon recovery so the Legislature could reach a compromise solution during the special session on the governance and distribution of the money provided to respond to the listing of salmon and steelhead under the federal Endangered Species Act.

Roll Calls on a Bill: 1165 (1999-00)

Brief Title: Making appropriations and authorizing expenditures for capital improvements.

1999 Regular Session

Chamber: HOUSE
Bill No.: SHB 1165
Description: FINAL PASSAGE
Item No.: 1
Transcript No.: 81
Date: 04-01-1999

Yeas: 93 Nays: 02 Absent: 00 Excused: 03

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, B., Chandler, G., Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, D., Schmidt, K., Schoesler, Schual-Berke, Skinner, Sommers, D., Sommers, H., Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Speaker Ballard, and Speaker Chopp

Voting nay: Representatives Dunn, Koster

Excused: Representatives Barlean, Edwards, Scott

1999 Regular Session

Chamber: SENATE
Bill No.: SHB 1165
Description: AMENDMENT NUMBER 387 BY SENATOR HARGROVE, ON PAGE 81, STRIKE LINES 7-11 AND AFTER LINE 15 TO THE COMMITTEE AMENDMENT - FAILED.
Item No.: 37
Transcript No.: 94
Date: 04-14-1999

Yeas: 10 Nays: 38 Absent: 01 Excused: 00

Voting yea: Senators Benton, Hargrove, Hochstatter, Johnson, McCaslin, Morton, Roach, Sheahan, Stevens, Zarelli

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser,

Gardner, Goings, Hale, Haugen, Heavey, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Oke, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley, Wojahn
Absent: Senator Deccio

1999 Regular Session

Chamber: SENATE
Bill No.: SHB 1165
Description: THIRD READING - FINAL PASSAGE AS AMENDED BY THE SENATE.
Item No.: 38
Transcript No.: 94
Date: 04-14-1999

Yeas: 47 Nays: 02 Absent: 00 Excused: 00

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn, Zarelli
Voting nay: Senators Hargrove, Morton

1999 Regular Session

Chamber: SENATE
Bill No.: SHB 1165
Description: FINAL PASSAGE AS AMENDED BY THE SENATE UNDER SUSPENSION OF THE RULES.
Item No.: 11
Transcript No.: 105
Date: 04-25-1999

Yeas: 47 Nays: 02 Absent: 00 Excused: 00

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn, Zarelli
Voting nay: Senators Hargrove, Morton

1999 Regular Session

Chamber: HOUSE
Bill No.: SHB 1165
Description: FINAL PASSAGE
Item No.: 30
Transcript No.: 105
Date: 04-25-1999

Yeas: 96 Nays: 00 Absent: 00 Excused: 02

Voting
yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, B., Chandler, G., Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, D., Schmidt, K., Schoesler, Schual-Berke, Skinner, Sommers, D., Sommers, H., Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, and Speaker Chopp
Excused: Representatives Scott, Speaker Ballard

HOUSE BILL 1549

Extending the Time for Work Under a Permit if Water Use has been Prevented or Restricted Due to Federal or State Laws

PROGRAM IMPACTS

This bill adds a specific criterion for Ecology in considering whether or not to extend the period of time allowed for development of water under a water right issued by the Department. Good cause for extension of time includes prevention or restriction of water use by operation of federal law for a water right permit issued for a federal reclamation project.

Ecology is aware of several pending water right permits for the federal Columbia Basin Irrigation Project, operated by the United States Bureau of Reclamation that may be affected by this act. Due to the listings of numerous fish species under the Federal Endangered Species Act, the United States Bureau of Reclamation has a moratorium on the issuance of new water service contracts within the Columbia Basin Project pending the resolution of main stem Columbia River flow issues relating to the fish. At least one large water right permit relating to this problem will not be fully developed within the time prescribed by Ecology. The act removes Ecology's discretion to approve or deny an extension of time and requires that the time be extended.

RESOURCE IMPACTS

The Department did not ask for nor received new resources to implement this legislation. The bill does not require any new work by Ecology. Rather it directs the outcome of decisions that Ecology would be facing anyway.

WORK PLAN

No rules or further guidance need to be developed to implement the bill.

Ecology anticipates that the Bureau of Reclamation will apply for one or more extensions within the next two years. They will be processed according to the act once they are received. Additional existing permits and future permits for federal reclamation projects could require similar treatment in the future.

No hiring or reallocation of staff will be necessary to implement the legislation.

Contact person: Ken Slattery – Water Resources Program
Phone: (360) 407-6603; E-mail: kshw461@ecy.wa.gov

FINAL BILL REPORT

HB 1549

C 400 L 99
Synopsis as Enacted

Brief Description: Requiring the Department of Ecology to extend the time for work under a permit if water use has been prevented or restricted due to federal or state laws.

Sponsors: Representatives G. Chandler, Linville, Mastin, Schoesler, Koster and Fortunato.

House Committee on Agriculture & Ecology
Senate Committee on Environmental Quality and Water Resources

Background:

If a person applies for a water right and the Department of Ecology (DOE) issues a water right permit, the permit will contain a deadline by which construction required for the water use is to be completed and beneficial use of the water is to take place. This deadline may be extended by the DOE with due regard for good faith of the applicant and the public interests affected. If the water use is perfected under the terms of the permit, the DOE issues the permit holder a water right certificate.

Summary:

If federal or state laws prevent or restrict water use otherwise authorized under a water use permit issued for a federal reclamation project, the DOE must extend the deadlines set in the permit for commencing work, completing work, and applying water to beneficial use.

Votes on Final Passage:

House	96	0	
Senate	48	0	(Senate amended)
House	96	0	(House concurred)

Effective: July 25, 1999

Roll Calls on a Bill: 1549 (1999-00)

Brief Requiring the Department of Ecology to extend the time for work under a permit
Title: if water use has been prevented or restricted due to federal or state laws.

1999 Regular Session

Chamber: HOUSE
Bill No.: HB 1549
Description: FINAL PASSAGE
Item No.: 24
Transcript No.: 58
Date: 03-09-1999

Yeas: 96 Nays: 00 Absent: 00 Excused: 02

Voting Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt,
yea: Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, B., Chandler, G.,
Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin,
Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer,
Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins,
Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster,
Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke,
Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette,
Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller,
Romero, Ruderman, Santos, Schindler, Schmidt, D., Schmidt, K., Schoesler,
Schual-Berke, Skinner, Sommers, D., Sommers, H., Stensen, Sullivan,
Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe,
Wood, Speaker Ballard, and Speaker Chopp

Excused: Representatives Lovick, Scott

1999 Regular Session

Chamber: SENATE
Bill No.: HB 1549
Description: THIRD READING - FINAL PASSAGE AS AMENDED BY THE
SENATE.
Item No.: 25
Transcript No.: 93
Date: 04-13-1999

Yeas: 48 Nays: 00 Absent: 00 Excused: 01

Voting Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner,
yea: Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey,
Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long,
Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice,
Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin,
Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn, Zarelli

Excused: Senator Swecker

1999 Regular Session

Chamber: HOUSE
Bill No.: HB 1549
Description: FINAL PASSAGE AS AMENDED BY THE SENATE
Item No.: 7
Transcript No.: 100
Date: 04-20-1999

Yeas: 96 Nays: 00 Absent: 00 Excused: 02

Voting
yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, B., Chandler, G., Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, D., Schmidt, K., Schoesler, Schual-Berke, Scott, Skinner, Sommers, D., Sommers, H., Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Speaker Ballard, and Speaker Chopp
Excused: Representatives Mulliken, Quall

HOUSE BILL 1642

Changing Surface Water Permit and Rights Provisions

PROGRAM IMPACTS

This bill will allow Ecology to approve a change (termed modification) to the point of diversion identified in a permit to appropriate water to a point located downstream provided that there is an existing approved intake structure with capacity to transport the additional amount of water diverted and provided that the ownership, purpose of use, season of use, and place of use of the permit remain the same. This may be done even if the intake structure is located in a neighboring state if the approval of the neighboring state is documented to the satisfaction of Ecology. This bill was passed at the request of the City of Walla Walla which has been unable to exercise an existing permit due to the fact that the point of diversion identified on the permit is now located in a federally-designated wilderness area. Ecology will be required to modify the water right permit held by the City of Walla Walla to make it consistent with the city's actual point of diversion.

RESOURCE IMPACTS

The bill provided no resources to Ecology for implementation. However, the bill is constructed to be extremely narrow in application (namely to apply only to the case of Walla Walla) so the impact on agency resources should be negligible.

WORK PLAN

Ecology recently adopted rules that will assist the agency in making the necessary changes to the water right permit in question. The actual changes to be made will be part of a more comprehensive restructuring of the City of Walla Walla's water rights in conjunction with an aquifer storage and retrieval project the City is undertaking.

The changes to the water right permit in question should be accomplished within one year. Ecology already has staff assigned to water rights permitting in the Walla Walla basin. This change can be dealt with routinely by that staff person.

There will be no need to hire additional staff to implement the provisions of this bill.

Contact person: Bill Neve – Eastern Regional Office, Water Resources Program - Phone: (509) 527-4546; E-mail: wnev461@ecy.wa.gov

FINAL BILL REPORT

HB 1642

C 232 L 99

Synopsis as Enacted

Brief Description: Changing surface water permit and rights provisions.

Sponsors: Representatives Grant and Mastin.

House Committee on Agriculture & Ecology

Senate Committee on Environmental Quality and Water Resources

Background:

In general, a water right permit is issued for the purpose of developing the beneficial use for a water right. Once that use has been developed in accordance with the provisions of the permit, a water right certificate is issued for the use. Both the surface water code and the groundwater code allow for "transfers" of rights, through the approval of transfers, changes, or amendments regarding water rights. In recent decisions, the Washington Supreme Court has distinguished between transfers of surface water rights and transfers of groundwater rights. The court has found that the groundwater code does authorize, but the surface water code does not authorize, an unperfected permitted right to be transferred under the general transfer sections of the codes.

In certain circumstances, the surface water code expressly allows a person to use a natural stream or lake in this state as a conveyance system to convey the water to which the person has a water right to a diversion point from which the water will be used.

Summary:

The Department of Ecology may approve a change in the point of diversion prescribed in a permit to appropriate water to a point that is located downstream and is an existing approved intake structure with capacity to transport the additional diversion. This authority is granted if the ownership, purpose of use, season of use, and place of use of the permit remain the same.

The water may be conveyed to such an intake structure in a neighboring state in order to accomplish the modification in the permit, if the approval of the neighboring state is documented to the satisfaction of the Department.

Votes on Final Passage:

House	97	0	
Senate	49	0	(Senate amended)
House	94	0	(House concurred)

Effective: July 25, 1999

Roll Calls on a Bill: 1642 (1999-00)

Brief Title: Changing surface water permit and rights provisions.

1999 Regular Session

Chamber: HOUSE
Bill No.: HB 1642
Description: FINAL PASSAGE
Item No.: 15
Transcript No.: 54
Date: 03-05-1999

Yeas: 97 Nays: 00 Absent: 00 Excused: 01

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, B., Chandler, G., Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, D., Schmidt, K., Schoesler, Schual-Berke, Scott, Skinner, Sommers, D., Sommers, H., Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Speaker Ballard, and Speaker Chopp

Excused: Representative Dickerson

1999 Regular Session

Chamber: SENATE
Bill No.: HB 1642
Description: THIRD READING - FINAL PASSAGE AS AMENDED BY THE SENATE.
Item No.: 15
Transcript No.: 93
Date: 04-13-1999

Yeas: 49 Nays: 00 Absent: 00 Excused: 00

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn, Zarelli

1999 Regular Session

Chamber: HOUSE
Bill No.: HB 1642
Description: FINAL PASSAGE AS AMENDED BY THE SENATE
Item No.: 1
Transcript No.: 100
Date: 04-20-1999

Yeas: 94 Nays: 00 Absent: 00 Excused: 04

Voting
yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Buck,
Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, B., Chandler, G.,
Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt,
Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer,
Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins,
Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster,
Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris,
Mielke, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette,
Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller,
Romero, Ruderman, Santos, Schindler, Schmidt, D., Schmidt, K., Schoesler,
Schual-Berke, Skinner, Sommers, D., Sommers, H., Stensen, Sullivan,
Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe,
Wood, Speaker Ballard, and Speaker Chopp
Excused: Representatives Anderson, Mulliken, Quall, Scott

HOUSE BILL 1744

Changing Lake Outflow Regulation

PROGRAM IMPACTS

Where previously ten or more owners of property abutting a lake were necessary to petition the superior court for an order to regulate the outflow of the lake (in order to maintain a certain water level), for lakes that have fewer than ten owners of property abutting the lake this bill will allow a simple majority of those property owners to petition the court to establish a maximum lake level and require regulation of outflow. The bill was requested by parties affected by the long term and continuing rise of Jamison Lake in Douglas County. The county would like to install an outlet on this lake that current lacks one and regulate the outlet to control the rising water level.

RESOURCE IMPACTS

The bill provided no resources to Ecology for implementation. However, Ecology does not envision that the bill will result in a significant number of additional petitions to the Superior Court so the impact on agency resources should be negligible.

WORK PLAN

No rulemaking will be required to implement this bill. Ecology will only become involved in implementing the provisions of this bill at such time as a petition is filed with a Superior Court. Although the court could (and probably would) order Ecology to regulate and control the outflow of a lake as the eventual result of the filing of a petition, Ecology's role in actually performing that regulation is not definite. Often the role of regulation is accomplished through agreements with local governments or local volunteers. In the situation that led to the introduction and passage of this bill, Ecology's Central Region would be the region affected. CRO staff may become involved with implementation of any resulting Superior Court order but the extent of that involvement is uncertain at this point.

Ecology's actions (and timelines) in implementing the provisions of this bill will be governed by the process of the landowners petitioning the Superior Court and any subsequent court actions.

There will be no need to hire additional staff to implement the provision this bill.

Contact person: Norm Hepner – Central Regional Office, Water Resources Program

Phone: (509) 575-2382; E-mail: nhep461@ecy.wa.gov

FINAL BILL REPORT

SHB 1744

C 162 L 99
Synopsis as Enacted

Brief Description: Changing lake outflow regulation.

Sponsors: By House Committee on Agriculture & Ecology (Originally sponsored by Representatives Schoesler and G. Chandler).

House Committee on Agriculture & Ecology
Senate Committee on Environmental Quality & Water Resources

Background:

Ten or more owners of land abutting on a lake may petition the superior court of the county in which the lake is situated for an order to provide for regulating the outflow of the lake to maintain a specified lake level. The court is required to hold a hearing and hear any testimony provided on the issue. If the order is granted, the court also directs the Department of Ecology to regulate and control the outflow of the lake so as to maintain the lake level.

Orders to control lake levels may be requested only on meandered lakes. A "meander line" is a term used when lands in Washington were originally surveyed. Lands were sold in blocks of forty acres, but when a lake or other water body was situated on the land, the block would be short of forty acres and would extend to the meander line. Lakes today may no longer resemble lakes as they were surveyed 100 years ago. Some have disappeared and some have increased in size.

Summary:

When there are fewer than ten owners of land abutting on a lake, a majority of the owners are authorized to petition a superior court for an order fixing the water level. The court must notify the Department of Fish and Wildlife before issuing an order fixing the lake level (regardless of the number of owners). The term "meander" is deleted.

Votes on Final Passage:

House	95 0
Senate	49 0

Effective: July 25, 1999

Roll Calls on a Bill: 1744 (1999-00)

Brief Title: Changing lake outflow regulation.

1999 Regular Session

Chamber: HOUSE
Bill No.: SHB 1744
Description: FINAL PASSAGE
Item No.: 5
Transcript No.: 60
Date: 03-11-1999

Yeas: 95 Nays: 00 Absent: 00 Excused: 03

Voting Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt,
yea: Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, B., Chandler, G.,
Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin,
Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser,
Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst,
Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville,
Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell,
Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall,
Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos,
Schindler, Schmidt, D., Schmidt, K., Schoesler, Schual-Berke, Scott, Skinner,
Sommers, D., Sommers, H., Stensen, Sump, Talcott, Thomas, Tokuda, Van
Luven, Voloria, Wensman, Wolfe, Wood, Speaker Ballard, and Speaker
Chopp

Excused: Representatives Edwards, Poulsen, Sullivan

1999 Regular Session

Chamber: SENATE
Bill No.: SHB 1744
Description: THIRD READING - FINAL PASSAGE.
Item No.: 14
Transcript No.: 93
Date: 04-13-1999

Yeas: 49 Nays: 00 Absent: 00 Excused: 00

Voting Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner,
yea: Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey,
Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long,
Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice,
Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin,
Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn,
Zarelli

SUBSTITUTE HOUSE BILL 1826

*Requiring Appointment of Water Masters in Watershed Management Areas With
WRIA Plans*

PROGRAM IMPACTS

This bill authorizes Ecology to appoint a water master for a watershed for which a watershed plan is adopted by a watershed planning unit under Chapter 90.82 RCW and the plan calls for the establishment of a water master. Actual appointment of a water master is subject to the availability of state and other funding for the position.

RESOURCE IMPACTS

No new resources or staffing is provided to Ecology to implement the bill, primarily because we do not anticipate any requests for water masters to occur during the 2000/2001 biennium. This is because no watershed plans are expected to be completed during that time frame. However, in future biennia when such requests are likely to be made by completed plans, there will be a fiscal impact on Ecology in which the Department will need to seek additional resources or decide whether or not to shift existing resources to meet the request.

WORK PLAN

No rules are required to implement the bill. Implementation is contingent on planning units recommending the appointment of a water master.

Ecology does not anticipate the completion of any watershed plans that could recommend appointment of a water master until 2002 or 2003.

Ecology has no plans to do any hiring under this bill in the current biennium. In advance of the 2002/2003 biennium, Ecology will need to project whether any new water masters will be recommended by planning units as plans are completed. If so, then Ecology may need to request legislative funding and hiring authority in its budget request for the 2002/2003 biennium. Ecology will also need to determine if local funds are available to cost-share the water master position(s).

Contact person: Ken Slattery – Water Resources Program

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FINAL BILL REPORT

SHB 1826

C 237 L 99
Synopsis as Enacted

Brief Description: Requiring appointment of water masters in watershed management areas with WRIA plans.

Sponsors: By House Committee on Agriculture & Ecology (Originally sponsored by Representatives Grant, Linville, Mastin and G. Chandler).

House Committee on Agriculture & Ecology
Senate Committee on Environmental Quality and Water Resources

Background:

The water code allows the Department of Ecology (DOE) to appoint a water master for any area of the state and for such duration as the DOE finds appropriate. The water master is supervised and employed by the DOE. The water master regulates and controls the use of water within the area by regulating headgates, conduits, and reservoirs to prevent the use of water in excess of the amount to which the owner of the water right is entitled. A water master must also enforce such rules as the DOE from time to time prescribes. Water masters must be deputized by the counties or counties in their areas, and they have the power to arrest violators.

Legislation enacted in 1998 authorizes the development of watershed management plans by local planning units. Such a plan may not contain elements that create obligations for tribal, county, or state government unless each government to be obligated has at least one member on the planning unit and the members representing these governments agree to the obligations. Among the obligations expressly governed by this policy are actions imposing a fiscal impact or requiring a redeployment of resources.

Summary:

The DOE may appoint a water master to each watershed management area for which a plan has been adopted by a planning unit and counties under watershed planning legislation enacted in 1998 if the plan requests or requires the appointment and funding is available.

Votes on Final Passage:

House	93	4	
Senate	41	0	(Senate amended)
House	94	0	(House concurred)

Effective: July 25, 1999

Roll Calls on a Bill: 1826 (1999-00)

Brief Title: Requiring appointment of water masters in watershed management areas with WRIA plans.

1999 Regular Session

Chamber: HOUSE
Bill No.: SHB 1826
Description: FINAL PASSAGE
Item No.: 21
Transcript No.: 64
Date: 03-15-1999

Yeas: 93 Nays: 04 Absent: 00 Excused: 01

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, B., Chandler, G., Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, D., Schmidt, K., Schoesler, Schual-Berke, Skinner, Sommers, D., Sommers, H., Stensen, Sullivan, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Speaker Ballard, and Speaker Chopp

Voting nay: Representatives Dunn, Koster, Lambert, Sump

Excused: Representative Scott

1999 Regular Session

Chamber: SENATE
Bill No.: SHB 1826
Description: THIRD READING - FINAL PASSAGE AS AMENDED BY THE SENATE.
Item No.: 4
Transcript No.: 95
Date: 04-15-1999

Yeas: 41 Nays: 00 Absent: 01 Excused: 07

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, Morton, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan,

Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn

Absent: Senator Bauer

Excused: Senators Haugen, Kohl-Welles, McDonald, Oke, Sheldon, B., Snyder, Zarelli

1999 Regular Session

Chamber: HOUSE
Bill No.: SHB 1826
Description: FINAL PASSAGE AS AMENDED BY THE SENATE
Item No.: 2
Transcript No.: 100
Date: 04-20-1999

Yeas: 94 Nays: 00 Absent: 00 Excused: 04

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, B., Chandler, G., Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, D., Schmidt, K., Schoesler, Schual-Berke, Skinner, Sommers, D., Sommers, H., Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Speaker Ballard, and Speaker Chopp

Excused: Representatives Anderson, Mulliken, Quall, Scott

ENGROSSED SUBSTITUTE HOUSE BILL 1963

Allowing the Rebuilding of a Farmhouse in a Floodway Under Certain Circumstances

PROGRAM IMPACTS

This bill directs Ecology to develop a rule based on criteria in the bill and sound engineering judgment which allows certain floodway farmhouses to be replaced if destroyed by flooding. The draft rule must be ready by December 31, 1999.

RESOURCE IMPACTS

Ecology determined that the rule development and implementation would have a minimal fiscal impact on the Agency. Ecology's Eastern Regional Office's floodplain engineer will as a course of his regular duties, develop the rule and implement it.

WORK PLAN

Ecology plans to use an advisory committee of local, state and federal staff involved with flood hazard reduction to develop the procedure required in 1963. This group will meet up to three times during the period from July through September 1999 to produce a draft rule and procedure.

The timeline: beginning with a June consultation with Ecology's AAG, the Rule Development Team will begin advisory committee meetings on July 14; the CR 101 will be filed with the Rules Coordinator on 1 SEP 99; the draft rule and CR-102 will be ready for filing on DEC 1 1999; a series of Public Hearings will be held in Jan-Feb 2000; final rule adoption in April 2000.

No new staff will be hired.

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E-mail: tols461@ecy.wa.gov**

**Tim D'Acci - Shoreland Environmental Assistance Program
Phone: (360) 407-6796; E-mail: tdac461@ecy.wa.gov**

FINAL BILL REPORT

ESHB 1963

C 9 L 99

Synopsis as Enacted

Brief Description: Allowing the rebuilding of a farmhouse in a floodway under certain circumstances.

Sponsors: By House Committee on Local Government (Originally sponsored by Representatives Koster, Dunshee, O'Brien, Anderson, G. Chandler, Sump, Dunn, B. Chandler and Mulliken).

House Committee on Local Government
Senate Committee on State & Local Government

Background:

The federal National Flood Insurance Act of 1968 and Flood Disaster Protection Act of 1973 were enacted in an effort to alleviate flood damages and expenditures of government funds. The Department of Ecology (DOE) coordinates the flood plain management regulation elements of the national flood insurance program (NFIP) in Washington. Local flood plain management regulations applicable to construction activities which might affect the security of life, health and property against flood damage must include:

- local government administration of NFIP regulatory requirements;
- minimum state requirements for flood plain management that equal the minimum federal requirements for the NFIP; and
- regulatory orders to ensure compliance.

State and local flood plain management regulations are based on designated special flood hazard areas on Federal Emergency Management Agency (FEMA) maps. Civil penalties may be imposed for violating flood plain management regulations.

The DOE is required to establish minimum state requirements and has authority to approve or reject designs and plans for structures or works constructed across the floodway of any stream or water body in the state. The DOE may provide technical and other assistance to local governments with respect to flood plain management.

A local flood plain management ordinance or amendment takes effect 30 days from filing with the DOE unless disapproved within that period. The DOE may

disapprove a local flood plain ordinance or amendment if it does not comply with the minimum NFIP or state requirements. The DOE also may disapprove if the local flood plain management ordinance or amendment does not restrict land uses within designated floodways, including prohibiting of construction or reconstruction of residential structures except:

- repairs, reconstruction or improvements not increasing ground floor area; and
- repairs, reconstruction or improvements, the cost of which does not exceed 50 percent of the structure's market value either before the repair started or before the damage occurred.

Summary:

An exemption to the floodway prohibition is created for farmhouses, and a mechanism for the DOE to consider waiving the floodway prohibition for other structures is established. A "farmhouse" is defined as a single-family dwelling locating on a farm site where resulting agricultural products are not produced for the primary consumption or use by the dwelling's occupants and owner.

Existing farmhouses in designated floodways and located on lands designated as agricultural lands of long-term commercial significance according to the Growth Management Act (GMA) are exempt from the prohibition against construction or replacement of existing farmhouses in designated floodways if the following conditions are satisfied:

- the new farmhouse replaces of an existing farmhouse on the same farm site;
- no potential building site outside the designated floodway exists for a replacement farmhouse on the same farm;
- replacement, repairs, reconstruction or improvements do not exceed or increase the total square footage of encroachment of the existing farmhouse;
- the entire existing farmhouse, if replaced, is completely removed within 90 days after occupancy of the new farmhouse;
- for substantial improvements and replacements, the lowest floor elevation (including basement) is one foot higher than the base flood elevation;
- new and replacement water supply and sanitary sewer systems are designed to eliminate or minimize flood water infiltration or sanitary sewer discharge into flood waters; and
- utilities and utility connections are located to eliminate or minimize flood damage.

For residential structures other than farmhouses, the DOE, using scientific analysis, may assess the risk of harm to life and property related to the specific floodway conditions and exercise best professional judgment regarding recommendations on repair, replacement, reconstruction or relocation of

damaged structures. Siting of replacement homes other than farmhouses must

evaluate flood depth, flood velocity and flood-related erosion to identify a building site with the least risk of harm to life and property. The DOE's recommendation to allow repair or replacement constitutes a waiver of the floodway prohibition.

The DOE is required to develop rules to guide assessment procedures and criteria for repair or replacement of farmhouses and other residential structures.

Votes on Final Passage:

House	98 0
Senate	47 0

Effective: April 15, 1999

Roll Calls on a Bill: 1963 (1999-00)

Brief Title: Allowing the rebuilding of a farmhouse in a floodway under certain circumstances.

1999 Regular Session

Chamber: HOUSE
Bill No.: SHB 1963
Description: FINAL PASSAGE
Item No.: 8
Transcript No.: 66
Date: 03-17-1999

Yeas: 98 Nays: 00 Absent: 00 Excused: 00

Voting Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt,
yea: Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, B., Chandler, G.,
Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin,
Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer,
Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins,
Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster,
Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris,
Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette,
Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller,
Romero, Ruderman, Santos, Schindler, Schmidt, D., Schmidt, K., Schoesler,
Schual-Berke, Scott, Skinner, Sommers, D., Sommers, H., Stensen, Sullivan,
Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe,
Wood, Speaker Ballard, and Speaker Chopp

1999 Regular Session

Chamber: SENATE
Bill No.: SHB 1963
Description: THIRD READING - FINAL PASSAGE.
Item No.: 13
Transcript No.: 87
Date: 04-07-1999

Yeas: 47 Nays: 00 Absent: 01 Excused: 01

Voting Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner,
yea: Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey,
Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland,
McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach,
Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel,
Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn, Zarelli
Absent: Senator McAuliffe
Excused: Senator Johnson

ENGROSSED SUBSTITUTE HOUSE BILL 2091

Contributing to Salmon and Water Quality Enhancement in Areas Impacted by Forest Practices

PROGRAM IMPACTS

This Governor-request legislation was negotiated by the “5 Caucus” group and the Legislature. It was the forestry component of the Governor’s salmon strategy aiming to satisfy Clean Water Act and Endangered Species Act requirements, while maintaining a viable timber industry and providing harvestable numbers of fish.

Ecology regional offices will participate in watershed analyses and forest practices review; provide water quality technical assistance, particularly for roads, wetlands, pesticides and overall coordination.

Headquarters staff will sit on a small landowners advisory committee; provide Clean Water Act direction and assurances per the Forests and Fish Report, and participate in Forest Practices Board (FPB) rule making, assisting in rule development and joint hearings. Prior to this bill, Ecology went through the entire rule making process, but this legislation requires the FPB and Ecology to reach agreement on water quality issues prior to FPB rule adoption and eliminates the need for filings by Ecology. The substance of Ecology’s involvement remains, but most of the procedural requirements are eliminated.

Ecology continues to provide research and technical support (effectiveness monitoring, adaptive management, etc.). Management measures will be monitored to determine their effectiveness and then adjusted as needed to ensure the underlying goals are met and the resources protected. Therefore, if the measures are effective, there will be less need for adjustment through adaptive management.

RESOURCE IMPACTS

The Governor’s budget request was for \$554,000 for the 1999-2001 biennium. The Legislature provided \$277,000 to fund two General Fund-State FTEs for the biennium. One will be located at the Northwest Regional Office as an Environmental Engineer 3 and one at the Southwest Regional Office as an

environmental specialist. Authorization was given to obtain up to an additional \$277,000 in federal funds for an additional two FTEs for the biennium; one of which would be in the Environmental Assessment Program.

The General Fund-State positions will focus on water quality impacts from forest management activities, particularly road work. Without these positions, activity levels would remain about the same with workload continuing to increase for current staff.

WORK PLAN

Work in the regions will focus on watershed analyses and participation in forestry activities to protect water quality, emphasizing road management. Hiring would occur in the summer, with field orientation and training in the fall.

Headquarters work will be coordinated with FPB rule making (an Environmental Impact Statement covering rules projected completion in early spring 2000, and rule adoption in late summer 2000).

Research and technical support to be based on identified and agreed to Timber, Fish, and Wildlife (TFW) priorities (to be determined). Ecology participation to be based on TFW work pace. The amount of adaptive management effort will hinge on how effective the management measures are at accomplishing resource protection goals.

Contact person: Doug Rushton – Water Quality Program
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FINAL BILL REPORT

ESHB 2091

PARTIAL VETO

C 4 L 99 E 1

Synopsis as Enacted

Brief Description: Contributing to salmon and water quality enhancement in areas impacted by forest practices.

Sponsors: By House Committee on Natural Resources (Originally sponsored by Representatives Buck, Regala, Dunshee, Thomas, Alexander, Doumit, Kessler, McMorris, Grant, Hatfield, Linville, G. Chandler, Reardon, Ericksen, Quall, Ogden, Clements, Schoesler, Anderson, Lisk, Eickmeyer, D. Sommers and Veloria; by request of Governor Locke).

House Committee on Natural Resources

Background:

The Forest Practices Act

The 1974 Legislature passed the Forest Practices Act following more than a year of discussion among large and small timber processors, environmental groups, state agencies, and counties. The act recognized the interrelationship among forest practices and other resources. It was designed to protect timber supply, soil, water, fish, wildlife, and amenity resources by regulating timber removals, road construction and maintenance, reforestation, and the use of forest chemicals.

Three court decisions between 1978 and 1981 sparked the Legislature to reconsider sections of the act. Discussions ensued regarding the adequacy of environmental protection provided by the forest practices regulations. Particular concerns existed over protection of riparian areas. In 1985, the Legislature directed the Department of Natural Resources to prepare new rules, which would be more protective of riparian zones.

In 1986, representatives of tribes, the Departments of Fisheries and Game, the timber industry and environmental interests met to determine if they could collectively prepare alternative regulations to those prepared by the Forest Practices Board. The process became known as Timber Fish Wildlife (TFW). In December 1986, the TFW participants reached an agreement on a proposed regulatory framework, which became the basis of current regulation.

In 1997, faced with an imminent listing of several salmon species in Washington the TFW participants, in addition to representatives from federal

agencies, reconvened to develop a comprehensive plan to address salmon and other aquatic species on forest lands. After several months of negotiation, representatives of environmental interests withdrew from negotiations. The process became known as the forestry module of the state salmon plan. The resulting plan includes legislation and the Forests and Fish Report upon which rules are to be based. The legislation and rules address the recovery of salmon and other aquatic species on approximately 10 million acres of forest lands regulated under the Forest Practices Act.

The Endangered Species Act

The Endangered Species Act was originally enacted by the United States Congress in 1973 to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved. The act provides a procedure whereby species of plants and animals may be nominated and eventually listed as "threatened" or "endangered."

Whenever a species is listed as threatened, the secretary of the listing agency (either the Department of Interior or the Department of Commerce) must issue regulations necessary to provide for the conservation of the species. Such a rule is often referred to as a Section 4(d) rule.

Once a species is listed, the act provides a broad list of prohibited acts, including the "taking" of an individual of the species. "Take" is defined very broadly by the act, and has been interpreted by the United States Supreme Court to include the modification of a species' habitat.

A secretary may permit the taking of an individual within a listed species if such a taking is incidental to, and not the purpose of, an otherwise lawful activity. Such a permit requires the submittal of an acceptable conservation plan which specifies, among other things, mitigation for the taking. Such a permit is often referred to as an "incidental take permit."

In Washington, Upper Columbia steelhead have been listed as endangered, Snake River and Lower Columbia steelhead and Columbia River bull trout have been listed as threatened, and Puget Sound chinook salmon and other salmonids are being considered for listing.

The Clean Water Act

The objective of the Clean Water Act is to restore and maintain the chemical, physical, and biological integrity of the nation's waters. This act provides a regulatory framework for effluent discharges into navigable waters. Individual states are given the authority to implement state specific pollution control strategies within the federal framework. Effluent sources are divided into two types, point and non-point. Effluent sources falling into the first category are controlled through distinct effluent limitations. Non-point sources, which include discharges from non-discrete sources such as agricultural fields,

parking lots, streets, and forest lands, are addressed in a voluntary manner. States may prepare a management program for non-point source pollution. Such programs must include the identification of best management practices for non-point sources which will be undertaken to reduce pollutant loadings.

In Washington, the forest practices rules adopted by the Forest Practices Board include provisions for the control of non-point source pollution. These provisions are promulgated with the input of the Department of Ecology, who has a representative on the Forest Practices Board, and who also promulgates the provisions under the state's Clean Water Act.

In Washington, over 660 streams have been identified as having water quality problems under the Clean Water Act.

Forest Practices Rules

The Forest Practices Board was created in 1974 and consists of 11 members, appointed or designated as follows: the Commissioner of Public Lands or the commissioner's designee; the director of the Department of Community, Trade and Economic Development or the director's designee; the director of the Department of Agriculture or the director's designee; the director of the Department of Ecology or the director's designee; an elected member of a county legislative authority, appointed by the Governor; and six public members, appointed by the Governor, to include an owner of not more than 500 acres of forest land and an independent logging contractor. Members serve staggered, four-year terms.

Statute directs the Forest Practices Board to adopt rules where necessary to accomplish the purposes and policies established by the Legislature and to implement other provisions of the forest practices chapter. Specifically, the board is to establish minimum standards for forest practices. The board adopts rules pursuant to the Administrative Procedure Act.

There are four classifications of forest practices, each with its own set of requirements. A class I forest practice is a forest practice with no direct potential for damaging a public resource. These practices may be commenced without any application or notification to the department. A class II forest practice is a forest practice with less than ordinary potential for damaging a public resource. These practices require notification to the department but do not require any type of application. A class III forest practice is a forest practice that is not a class I, II, or IV. A person wishing to commence a class III practice must submit an application to the department. The department has 30 days to either approve or disapprove a class III application.

Class IV forest practices are those practices which have a potential for a substantial impact on the environment or on lands platted after 1960, lands

being converted to another use, or lands not to be reforested because of the likelihood of future conversion to urban development. Class IV breaks down further into class IV - General and class IV - Special. If a certain forest practice is proposed within a habitat with a special designation due to a threatened or endangered species, that forest practice becomes a class IV - Special. A person wishing to commence a class IV forest practice must submit an application to the department. The department decides whether a detailed statement must be prepared by the applicant under the State Environmental Policy Act. The department has 30 calendar days from date of receipt of the application to either approve or disapprove it, unless the detailed statement is required. If the statement is required, the application must be approved or disapproved within 60 days unless the commissioner issues an order determining that the process cannot be completed within the allotted time.

The department exercises authority to condition forest practices applications to prevent material damage to public resources. "Material damage" is not defined in current law. "Public resources" means water, fish and wildlife, and capital improvements of the state or its political subdivisions.

If a person is aggrieved by the condition on the application's approval, that person may appeal the department's decision to the Forest Practices Appeals Board. The Forest Practices Appeals Board is a three-member board within the Environmental Hearings Office which hears a number of different kinds of appeals involving forest practices. The presiding officer in an appeals hearing has the authority to receive relevant evidence, and to secure and present in an impartial manner such evidence as the officer deems necessary to fairly and equitably decide the appeal.

The department has the authority under current law to issue a stop work order in three cases: (1) if there is a violation of the provisions of Chapter 76.09 RCW or the forest practices rules; (2) if there is a deviation from the approved application; or (3) if immediate action is necessary to prevent continuation of or to avoid material damage to a public resource.

If the department issues a stop work order, the department immediately files a copy of the order with the Forest Practices Appeals Board and mails a copy to the timber owner and landowner identified on the forest practices application. If the operator, timber owner, or landowner appeals the stop work order, the department must prove that one of the three above conditions justified issuing the order. The presiding officer at the appeals hearing has the authority to receive relevant evidence.

If a violation, a deviation, material damage, or potential for material damage to a public resource has occurred, and the department determines that a stop work order is unnecessary, then the department instead issues a notice to

comply. If the person receiving the notice so chooses, that person may request a hearing on the notice before the department. The final order issued by the department after this hearing may be appealed to the Forest Practices Appeals Board. The proceedings before the board are under the same guidelines as an appeal of a stop work order or any other case before the board.

A watershed analysis is an assessment of the condition of a watershed's resources, and the cumulative effect of forest practices within the watershed. These assessments may be performed by the Department of Natural Resources according to a statewide priority list, or by an individual landowner utilizing experts trained by the department. Forest practices prescriptions are written for the watershed based upon the results of the analysis. These prescriptions become requirements for forest practices applications.

Summary:

Intent

Legislative findings are made which link the elements of the bill and the Forests and Fish Report to salmon recovery statutes. There is also a direct policy link between the 50-year negotiated agreement, statutory elements of the plan, and provisions to be implemented by the Forest Practices Board through rules.

Rule-Making

Findings are made which relate to the necessity of promulgating emergency rules to amend the state forest practices rules in response to declining fish runs. The Forests Practices Board may only adopt emergency rules that implement recommendations contained in the Forests and Fish Report. The emergency rules stay in effect until permanent rules are adopted, or until June 30, 2001. While additional procedural safeguards are implemented (such as the requirement that at least one public hearing must be held on the rules), other time-consuming steps are eliminated (such as the preparation of a small business economic impact statement). Emergency rules which are adopted by the board must meet most of the requirements of the Administrative Procedure Act. The emergency rule-making process is exempted from the State Environmental Policy Act. An emergency clause is provided for these provisions.

A permanent rule-making process which must be followed by the Forest Practices Board in amending the forest practices rules is provided. This process must comply with the Administrative Procedures Act. The board is strongly encouraged to follow the recommendations of the Forests and Fish Report. If the board chooses to adopt rules that are inconsistent with those

recommendations, the board is required to report to the legislature regarding the proposed deviations, the reason for the deviations, and whether the parties to the Forests and Fish Report still support the agreement. The board must defer adoption of permanent rules for 60 days of the legislative session to allow public input and legislative oversight. Rule making must be completed by June 30, 2001. Except in limited circumstances, future changes to forest practices rules must be accomplished through the adaptive management process as adopted by the board.

The rules adopted by the board must include a scientific-based adaptive management process described in the Forests and Fish Report.

The Forest Practices Board, prior to the adoption of permanent rules and no later than January 1, 2000, must report to the legislature regarding: the substance of the emergency rules, information on any changes made to the Forests and Fish Report since April 29, 1999, the status of the permanent rules, and the anticipated date of final adoption. The board must additionally report to the legislature by January 1, 2001. A final report is required on January 1, 2006, regarding modifications of the permanent rules according to the adaptive management process.

Definitions

Five new definitions are added to the Forest Practices Act including "adaptive management," "aquatic resources," "forests and fish report," "unconfined avulsing channel migration zone," and "unconfined avulsing stream."

Timber Excise Tax Credit

Provides a tax credit for timber harvested under a harvest permit subject to "enhanced aquatic resources requirements." This covers land which includes: riparian areas, wetlands, steep or unstable slopes, a federally approved habitat conservation plan, or an approved DNR road maintenance plan. The credit is equal to the stumpage value of timber harvest fore sale multiplied by eight-tenths of one percent. This credit is reduced by the amount of any compensation received from the federal government for reduced timber harvest due to enhanced aquatic resource requirements.

The Department of Natural Resources and the Department of Revenue are required to jointly conduct a study of the tax credits provided by the act.

Small Forest Landowners

The forestry riparian easement program is created, which includes a small landowner assistance office within the Department of Natural Resources to administer the new program. Subject to available funding, small landowners

will be offered one-half of the value of "qualified timber" as compensation for 50-year riparian easements. The program is created to prevent small landowners from being disproportionately impacted by the riparian buffer requirements outlined in the Forests and Fish Report.

The small forest landowner office is required to assist landowners in developing alternate management plans or alternate harvest strategies.

An advisory committee is established to assist the small forest landowner office. The small forest landowner office is required to report to the legislature by December 1, 2000. The report must estimate the number of small forest landowners in the state according to various acreages, the use of such holdings, the number of various forest practice applications, the effect of conversion of these lands to other uses, and recommendations. The office must provide an update to the legislature every four years which includes trends, whether the forest practices rules effect those trends, and whether the legislature has implemented previous recommendations.

Parcels of 20 acres or less which are held by landowners owning less than 80 acres total are exempted from riparian buffers required under the Forests and Fish Report. These landowners must comply with permanent forest practices rules in effect as of January 1, 1999, but may additionally be required to leave timber adjacent to streams equivalent to 15% of the volume of timber covering the harvest area. The small forest landowners office is required to work with such landowners to develop alternative management plans for such riparian buffers.

Large Woody Debris

The bill allows wood debris to be placed or left in waters as part of a salmon restoration project. In addition, forest landowners, the Department of Natural Resources, and the state are protected from certain liability which is attributable to leaving or placing trees, logs, and large woody debris in or near streams or other areas to comply with the forest practices rules or to implement voluntary restoration measures under the Forests and Fish Report.

Riparian Open Space

The Forest Practices Board is directed to establish a riparian open space program to provide for the acquisition of unconfined avulsing channel migration zones. Subject to available funding, these zones are to be acquired in fee, or at the landowner option, through a conservation easement. Once acquired, these lands may be managed by the Department of Natural Resources or transferred to another state agency, appropriate local agency, or private nonprofit nature conservancy corporation.

Existing law is amended to clarify that the acquisition of lands under the riparian open space program will not be required to pay a compensating tax. Normally, lands that are classified as forest lands by a county assessor trigger a compensating tax when they are re-classified to a different use. The bill provides that the classification of forest lands as riparian open space will not require the payment of a compensating tax.

Enforcement

The Department of Natural Resources is allowed to require financial assurances, prior to the conduct of further forest practices, from an operator who has demonstrated an inability to meet his or her financial obligations under the forest practices act. The department may deny an application for failure to provide financial assurances. An operator is deemed to have demonstrated an inability to meet financial obligations if, within the preceding three-year period, he or she has: 1) operated without an approved application; 2) continued to operate in breach of, or failed to comply with, the terms of a stop work order or notice to comply, or; 3) failed to pay any civil or criminal penalty.

The bill allows the Department of Natural Resources or the Department of Ecology to apply for an administrative inspection warrant. In addition, the Department of Natural Resources is allowed to recover interests, costs, and attorney's fees when seeking recovery of a penalty for a violation of the Forest Practices Act.

Watershed Analysis

Adds authority for the Forests Practices Board to develop a watershed analysis system to address the cumulative effects of forest practices on, at a minimum, the public resources of fish, water, and public capital improvements. Provides the Forest Practices Appeals Board jurisdiction over the approval or disapproval of any watershed analysis.

Forest Practices Board Composition

The director of the Department of Fish and Wildlife or the director's designee is added to the Forest Practices Board as a twelfth member. However, this position on the board may be terminated after two years if the Legislature finds that the department has not made substantial progress toward integrating the laws, rules, and programs governing hydraulics and forest practices. This finding may not be based upon any other actions taken by the director as a member of the board.

Water Quality Coordination

The bill simplifies the Department of Ecology's co-adoption requirement for water quality rules under the Forest Practices Act. Provides for adoption of water quality rules by the Forest Practices Board after an agreement is reached with the Director of Ecology or the Director's designee on the board.

State Environmental Policy Act

Exempts certain Department of Natural Resources actions under the Forest Practices Act from the environmental impact statement procedures of the State Environmental Policy Act. Specific exempted actions are 1) approval of road maintenance and abandonment plans; 2) approval of certain clearcut timber harvests in eastern Washington; 3) acquisition of stream channel migration zones, and; 4) acquisition of riparian easements.

The bill also clarifies when the Department of Natural Resources may make a determination of significance in making a threshold determination for a watershed analysis. This provision applies prospectively only, and is not to be construed to effect pending litigation.

Federal Assurances

The state's expectations for obtaining federal assurances under the Endangered Species Act and Clean Water Act are outlined. "Failure of assurances," is defined which includes failure of the National Marine Fisheries Services or the United States Fish and Wildlife Service to address acts prohibited under 16 U.S.C. 1538. The bill sets out a state process if the federal government fails to provide the assurances negotiated in the Forests and Fish Report.

Miscellaneous

The bill repeals an antiquated provision of law that allows the straightening and dredging of streams in order to facilitate logging operations.

The Forests and Fish Account is created in the state treasury. Expenditures, subject to appropriation, may be used only to establish and operate the small landowner office, purchase riparian easements from small landowners, and acquire channel migration zones through the riparian open space program.

Votes on Final Passage:

First Special Session

House	69 27
Senate	29 17 (Senate amended)
House	67 27 (House concurred)

Effective: August 18, 1999, except sections 201-203 which take effect July 7, 1999.

Partial Veto Summary: The Governor vetoed two sections of the bill, including: (1) the section requiring the Department of Natural Resources to evaluate unconfined avulsing streams on public lands which do not have sufficient canopy to provide adequate shade; and (2) the section providing that the measure is null and void unless harvest levels of specified salmon runs are reduced by 25 percent from 1997 levels.

Roll Calls on a Bill: 2091 (1999-00)

Brief Title: Contributing to salmon and water quality enhancement in areas impacted by forest practices.

1999 1st Special Session

Chamber: HOUSE
Bill No.: SHB 2091
Description: FINAL PASSAGE
Item No.: 3
Transcript No.: 1
Date: 05-17-1999

Yeas: 69 Nays: 27 Absent: 00 Excused: 02

Voting yea: Representatives Alexander, Ballasiotes, Benson, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, B., Chandler, G., Clements, Cody, Conway, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Eickmeyer, Ericksen, Esser, Fortunato, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kastama, Keiser, Kessler, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Miloscia, Mitchell, Mulliken, Murray, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Schmidt, D., Schmidt, K., Schoesler, Skinner, Sommers, D., Sommers, H., Sullivan, Talcott, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Speaker Ballard, and Speaker Chopp
Voting nay: Representatives Anderson, Barlean, Boldt, Constantine, Cooper, Dickerson, Dunshee, Edmonds, Edwards, Fisher, Gombosky, Kagi, Kenney, Koster, Lambert, McIntire, Mielke, Morris, O'Brien, Poulsen, Ruderman, Santos, Schual-Berke, Stensen, Sump, Thomas, Wood
Excused: Representatives Schindler, Scott

1999 1st Special Session

Chamber: SENATE
Bill No.: SHB 2091
Description: AMENDMENT NUMBER 535 BY SENATOR MORTON, ON PAGE 48, AFTER LINE 7, - ADOPTED.
Item No.: 5
Transcript No.: 1
Date: 05-17-1999

Yeas: 29 Nays: 17 Absent: 00 Excused: 03

Voting yea: Senators Deccio, Eide, Fairley, Fraser, Gardner, Hale, Heavey, Hochstatter, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, Loveland, McDonald, Morton, Patterson, Rasmussen, Roach, Sellar, Sheahan, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn, Zarelli

Voting Senators Bauer, Costa, Franklin, Goings, Hargrove, Haugen, Jacobsen,
nay: McAuliffe, McCaslin, Oke, Prentice, Rossi, Sheldon, B., Sheldon, T., Shin,
Snyder, Swecker

Excused: Senators Benton, Brown, Finkbeiner

1999 1st Special Session

Chamber: SENATE
Bill No.: SHB 2091
Description: FINAL PASSAGE AS AMENDED BY THE SENATE.
Item No.: 6
Transcript No.: 1
Date: 05-17-1999

Yeas: 29 Nays: 17 Absent: 00 Excused: 03

Voting Senators Bauer, Costa, Deccio, Franklin, Goings, Hale, Hargrove,
yea: Honeyford, Horn, Jacobsen, Johnson, Long, McCaslin, McDonald, Morton,
Oke, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, T.,
Shin, Snyder, Swecker, West, Winsley, Zarelli

Voting Senators Eide, Fairley, Fraser, Gardner, Haugen, Heavey, Hochstatter,
nay: Kline, Kohl-Welles, Loveland, McAuliffe, Patterson, Sheldon, B., Spanel,
Stevens, Thibaudeau, Wojahn

Excused: Senators Benton, Brown, Finkbeiner

1999 1st Special Session

Chamber: SENATE
Bill No.: SHB 2091
Description: AMENDMENT NUMBER 535 BY SENATOR MORTON, ON PAGE 48,
AFTER LINE 7 - ADOPTED.
Item No.: 7
Transcript No.: 1
Date: 05-17-1999

Yeas: 29 Nays: 17 Absent: 00 Excused: 03

Voting Senators Deccio, Eide, Fairley, Fraser, Gardner, Hale, Heavey, Hochstatter,
yea: Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, Loveland, McDonald,
Morton, Patterson, Rasmussen, Roach, Sellar, Sheahan, Spanel, Stevens,
Thibaudeau, West, Winsley, Wojahn, Zarelli

Voting Senators Bauer, Costa, Franklin, Goings, Hargrove, Haugen, Jacobsen,
nay: McAuliffe, McCaslin, Oke, Prentice, Rossi, Sheldon, B., Sheldon, T., Shin,
Snyder, Swecker

Excused: Senators Benton, Brown, Finkbeiner

1999 1st Special Session

Chamber: SENATE

Bill No.: SHB 2091
Description: FINAL PASSAGE AS AMENDED BY THE SENATE.
Item No.: 8
Transcript No.: 1
Date: 05-17-1999

Yeas: 29 Nays: 17 Absent: 00 Excused: 03

Voting Senators Bauer, Costa, Deccio, Franklin, Goings, Hale, Hargrove, Honeyford,
yea: Horn, Jacobsen, Johnson, Long, McCaslin, McDonald, Morton, Oke,
Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, T., Shin,
Snyder, Swecker, West, Winsley, Zarelli
Voting Senators Eide, Fairley, Fraser, Gardner, Haugen, Heavey, Hochstatter, Kline,
nay: Kohl-Welles, Loveland, McAuliffe, Patterson, Sheldon, B., Spanel, Stevens,
Thibaudeau, Wojahn
Excused: Senators Benton, Brown, Finkbeiner

1999 1st Special Session

Chamber: HOUSE
Bill No.: SHB 2091
Description: FINAL PASSAGE AS AMENDED BY THE SENATE
Item No.: 1
Transcript No.: 3
Date: 05-19-1999

Yeas: 67 Nays: 27 Absent: 00 Excused: 04

Voting Representatives Alexander, Ballasiotes, Benson, Buck, Bush, Cairnes,
yea: Carlson, Carrell, Chandler, B., Chandler, G., Clements, Cody, Conway, Cox,
Crouse, DeBolt, Delvin, Doumit, Dunn, Eickmeyer, Ericksen, Esser,
Fortunato, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kastama, Keiser,
Kessler, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, Miloscia, Mitchell,
Mulliken, Murray, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff,
Reardon, Regala, Rockefeller, Romero, Schindler, Schmidt, D., Schmidt, K.,
Schoesler, Skinner, Sommers, D., Sommers, H., Sullivan, Talcott, Tokuda,
Veloria, Wensman, Wolfe, Speaker Ballard, and Speaker Chopp
Voting Representatives Anderson, Barlean, Boldt, Constantine, Cooper, Dickerson,
nay: Dunshee, Edmonds, Edwards, Fisher, Gombosky, Kagi, Kenney, Koster,
Lambert, McIntire, Mielke, Morris, O'Brien, Poulsen, Ruderman, Santos,
Schual-Berke, Stensen, Sump, Thomas, Wood
Excused: Representatives Campbell, McMorris, Scott, Van Luven

ENGROSSED SUBSTITUTE HOUSE BILL 2247

*Reducing the Account Balance Requirements Necessary for the Imposition of the
Oil Spill Response Tax*

PROGRAM IMPACTS

This bill would lower the total revenue capacity (cap) on the Oil Spill Response Account (OSRA) from \$10 million to \$9 million, and allow up to \$1 million to be transferred to the Oil Spill Administration Account (OSAA) to support appropriations made for the current biennium and the 99-01 biennium. The OSAA is the major source of funds for the Spills Program.

ESHB 2247 also establishes a joint House/Senate Washington Waters Oil Spill Risk Reduction Workgroup to develop recommendations for an oil spill risk management plan for all Washington waters that maintains maritime commerce. The workgroup will address risk reduction measures in place and enhancements, evaluation of a tug of opportunity system, and evaluate current and developing marine safety studies. The workgroup will make recommendations to the Legislature by December 1, 1999, on oil spill risk management only for North Puget Sound.

RESOURCE IMPACTS

Historically, the OSAA has been highly unstable which hinders effective budget planning for the Spills Program. Credits for the subsequent export of taxed oil or petroleum products have proved more than forecast. The transfer authority will help the Spills Program to meet its statutory mandates and legal obligations.

WORK PLAN

The bill will require the Department's involvement with the Washington Waters Oil Spill Risk Reduction Workgroup.

Contact person: Jeff Fishel – Spill Prevention, Preparedness, and Response Program – Phone: (360) 407-7504; E-mail: jfis461@ecy.wa.gov

FINAL BILL REPORT

ESHB 2247

C 7 L 99 E 1
Synopsis as Enacted

Brief Description: Reducing the account balance requirements necessary for the imposition of the oil spill response tax.

Sponsors: By House Committee on Appropriations (Originally sponsored by Representatives Cooper, Linville and Ruderman; by request of Office of Financial Management).

House Committee on Appropriations

Background:

In 1991, a comprehensive oil spill prevention and response measure was enacted to promote the safety of marine transportation in Washington. The legislation imposed a tax on oil imported into the state to cover the costs incurred by state agencies in implementing the program. The tax was 3 cents for each barrel of crude oil or refined product imported at a marine terminal. In addition, a 2 cents per barrel tax was imposed to establish a fund for response to oil spills. If the fund balance in the oil spill response account reached \$25 million, the oil spill response tax would be suspended. The oil spill response tax would be reimposed if the fund balance fell below \$15 million.

In 1997, a number of changes were enacted to the oil spill prevention program. The distribution of the 5 cent tax on crude oil was changed. The oil spill administration tax was increased from 3 cents to 4 cents for each barrel of oil, and the oil spill response tax was decreased from 2 cents to 1 cent for each barrel of oil. The cap on the oil spill response tax was decreased from \$25 million to \$10 million. If the oil spill response account falls below \$9 million, the tax is reimposed. The response fund may only be used when authorized by the director of the Department of Ecology to cover the costs incurred by state agencies in responding to an oil spill.

The 1997-99 budget appropriated \$7.9 million to state agencies from the oil spill administration account to pay for oil spill prevention and response activities. The November 1998 revenue forecast estimates the account will receive \$7.3 million in revenue.

Summary:

The cap on the oil spill response account is lowered from \$10 million to \$8 million. Once that amount is exceeded, the tax is not reimposed until the balance in the account falls below \$7 million.

The State Treasurer is authorized to transfer a total of \$1 million from the response account to the administration account during the 1997-99 biennium and the 1999-01 biennium.

The Department of Ecology must convene a work group to provide recommendations for an oil spill risk management plan.

Votes on Final Passage:First Special Session

House 96 0

Senate 45 0

Effective: June 7, 1999

Roll Calls on a Bill: 2247 (1999-00)

Brief Title: Reducing the account balance requirements necessary for the imposition of the oil spill response tax.

	1999 1st Special Session
Chamber:	HOUSE
Bill No.:	SHB 2247
Description:	FINAL PASSAGE
Item No.:	4
Transcript No.:	1
Date:	05-17-1999

Yeas: 96 Nays: 00 Absent: 00 Excused: 02

Voting
yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, B., Chandler, G., Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schmidt, D., Schmidt, K., Schoesler, Schual-Berke, Skinner, Sommers, D., Sommers, H., Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Speaker Ballard, and Speaker Chopp

Excused: Representatives Schindler, Scott

	1999 1st Special Session
Chamber:	SENATE
Bill No.:	SHB 2247
Description:	THIRD READING - FINAL PASSAGE.
Item No.:	13
Transcript No.:	3
Date:	05-19-1999

Yeas: 45 Nays: 00 Absent: 00 Excused: 04

Voting
yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn, Zarelli

Excused: Senators Fairley, Franklin, Hargrove, Thibaudeau

ENGROSSED SUBSTITUTE SENATE BILL 5180

Making Appropriations for the 1999-01 Biennium

PROGRAM IMPACTS

This bill is the Operating Budget for the 1999-01 biennium. It funds the budget submitted by Ecology and the Governor, as modified by the Legislature. The budget includes both additions and reductions.

Major reductions were to the Toxics Control Account, Air Pollution Control Account, sediment management, the Environmental Excellence Program and Administration.

Major additions were for water right data and decision making, water conservation, watershed planning and management, water quality including forest practices and stormwater management, pollution prevention, community information, spill prevention and response, assistance in permitting, and litter prevention and control.

RESOURCE IMPACTS

The Department received both additions and reductions, resulting in a net increase of \$11.3 million (4.7%), and a net decrease of 19 FTEs (-1.3%).

WORK PLAN

The workplan for this bill is, in effect, the work plans for each of the separate items funded by the bill, which are in the eleven agency programs. Programs have made initial spending plans, and summary allotments will be submitted to the Office of Financial Management on July 30. All programs will have completed detailed spending plans by September 15, and their detailed allotments will be incorporated into the September financial reports.

Contact person: Jim Dannenmiller - Financial Services Division
Phone: (360) 407-7049; E-mail: jdann461@ecy.wa.gov

FINAL BILL REPORT

ESSB 5180

PARTIAL VETO

C 309 L 99

Synopsis as Enacted

Brief Description: Making operating appropriations.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Loveland, West, Brown and Winsley; by request of Governor Locke).

Senate Committee on Ways & Means

Background: Appropriations for the operations of state government and its various agencies and institutions are made on the basis of a fiscal biennium that begins on July 1 of each odd-numbered year.

Summary: Appropriations are made for the 1997-99 and 1999-01 fiscal biennia. The supplemental appropriation for the 1997-99 biennia provides a net \$71.9 million increase to expenditures from the state General Fund. The total appropriation for the 1999-01 fiscal biennium is \$32.361 billion, of which \$20.575 billion is from the state General Fund.

For additional information, see "Statewide Summary & Agency Detail" published by the Senate Ways & Means Committee.

Votes on Final Passage:

Senate	29 17
House	53 44 (House amended)
Senate	34 15 (Senate concurred)

Effective: May 14, 1999 (Sections 927, 928, 931, 1101-1902)
July 1, 1999
September 1, 2000 (Section 929)

Partial Veto Summary: The Governor vetoed provisions affecting five state agencies: Attorney General's Office, Department of Social and Health Services Mental Health Program, Department of Social and Health Services Medical Assistance Program, Superintendent of Public Instruction, and the Department of Retirement Systems. The vetoes do not affect any state General Fund

appropriations. For more information, see “Legislative Budget Notes” published by the Appropriations Committee of the House of Representatives and the Senate Ways & Means Committee.

Roll Calls on a Bill: 5180 (1999-00)

Brief Title: Making appropriations for the 1999-01 biennium.

1999 Regular Session

Chamber: SENATE

Bill No.: SSB 5180

Description: AMENDMENT NUMBER 455 BY SENATOR ROSSI, ON PAGE 19, AFTER
n: LINE 22, ON PAGE 14, ON LINE 32, ON PAGE 60, ON LINE 18 - FAILED.

Item No.: 7

Transcript 101

No.:

Date: 04-21-1999

Yeas: 20 Nays: 25 Absent: 01 Excused: 03

Voting yea: Senators Benton, Deccio, Hale, Hochstatter, Honeyford, Horn, Johnson,
Long, McCaslin, Morton, Oke, Patterson, Roach, Rossi, Sellar, Sheahan,
Sheldon, T., Stevens, West, Winsley

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner,
Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles,
Loveland, McAuliffe, Prentice, Rasmussen, Sheldon, B., Shin, Snyder,
Spanel, Thibaudeau, Wojahn

Absent: Senator McDonald

Excused: Senators Finkbeiner, Swecker, Zarelli

1999 Regular Session

Chamber: SENATE

Bill No.: SSB 5180

Description: AMENDMENT NUMBER 460 BY SENATOR ZARELLI, ON PAGE 94,
LINE 16 - FAILED.

Item No.: 8

Transcript No.: 101

Date: 04-21-1999

Yeas: 20 Nays: 27 Absent: 00 Excused: 02

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn,
Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sellar,
Sheahan, Stevens, West, Winsley

Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner,
Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland,
McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin,
Snyder, Spanel, Thibaudeau, Wojahn

Excused: Senators Swecker, Zarelli

1999 Regular Session

Chamber: SENATE
Bill No.: SSB 5180
Description: AMENDMENT NUMBER 461 BY SENATOR ZARELLI, ON PAGE 94,
LINE 17 - FAILED.
Item No.: 9
Transcript No.: 101
Date: 04-21-1999

Yeas: 19 Nays: 27 Absent: 01 Excused: 02

Voting yea: Senators Benton, Finkbeiner, Hale, Hochstatter, Honeyford, Horn,
Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sellar,
Sheahan, Stevens, West, Winsley
Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner,
Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles,
Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B.,
Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Wojahn
Absent: Senator Deccio
Excused: Senators Swecker, Zarelli

1999 Regular Session

Chamber: SENATE
Bill No.: SSB 5180
Description: AMENDMENT NUMBER 456 BY SENATORS ROSSI AND ZARELLI, ON
PAGE 113, LINES 31, 32, 33, ON PAGE 114, LINE 15, ON PAGE 146,
LINES 25, 26 - FAILED.
Item No.: 10
Transcript No.: 101
Date: 04-21-1999

Yeas: 19 Nays: 28 Absent: 00 Excused: 02

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn,
Johnson, Long, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sellar,
Sheahan, Stevens, West
Voting nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner,
Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland,
McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin,
Snyder, Spanel, Thibaudeau, Winsley, Wojahn
Excused: Senators Swecker, Zarelli

1999 Regular Session

Chamber: SENATE
Bill No.: SSB 5180
Description: THIRD READING - FINAL PASSAGE.

Item No.: 11
Transcript No.: 101
Date: 04-21-1999

Yeas: 29 Nays: 17 Absent: 00 Excused: 03

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley, Wojahn

Voting nay: Senators Benton, Deccio, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, McCaslin, Morton, Oke, Roach, Rossi, Sellar, Sheahan, Stevens, West

Excused: Senators McDonald, Swecker, Zarelli

1999 Regular Session

Chamber: HOUSE
Bill No.: SSB 5180
Description: 330 SKINNER PG 8
Item No.: 1
Transcript No.: 105
Date: 04-25-1999

Yeas: 46 Nays: 50 Absent: 00 Excused: 02

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, B., Chandler, G., Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Fortunato, Hankins, Huff, Koster, Lambert, Lisk, Mastin, McMorris, Mielke, Mitchell, Mulliken, Parlette, Pennington, Pflug, Radcliff, Schindler, Schmidt, D., Schmidt, K., Schoesler, Skinner, Sommers, D., Sump, Talcott, Thomas, Van Luven, Wensman

Voting nay: Representatives Anderson, Carlson, Cody, Constantine, Conway, Cooper, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Gombosky, Grant, Haigh, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lovick, McDonald, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Scott, Sommers, H., Stensen, Sullivan, Tokuda, Voloria, Wolfe, Wood, and Speaker Chopp

Excused: Representatives Quall, Speaker Ballard

1999 Regular Session

Chamber: HOUSE
Bill No.: SSB 5180
Description: 331 PENNINGTON PG 8
Item No.: 2

Transcript No.: 105
Date: 04-25-1999

Yeas: 47 Nays: 49 Absent: 00 Excused: 02

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, B., Chandler, G., Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Fortunato, Hankins, Huff, Koster, Lambert, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Mulliken, Parlette, Pennington, Pflug, Radcliff, Schindler, Schmidt, D., Schmidt, K., Schoesler, Skinner, Sommers, D., Sump, Talcott, Thomas, Van Luven, Wensman

Voting nay: Representatives Anderson, Carlson, Cody, Constantine, Conway, Cooper, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Gombosky, Grant, Haigh, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lovick, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Scott, Sommers, H., Stensen, Sullivan, Tokuda, Veloria, Wolfe, Wood, and Speaker Chopp

Excused: Representatives Quall, Speaker Ballard

1999 Regular Session

Chamber: HOUSE
Bill No.: SSB 5180
Description: 245 LAMBERT PG 13
Item No.: 3
Transcript No.: 105
Date: 04-25-1999

Yeas: 47 Nays: 49 Absent: 00 Excused: 02

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, B., Chandler, G., Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Fortunato, Hankins, Huff, Koster, Lambert, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Mulliken, Parlette, Pennington, Pflug, Radcliff, Schindler, Schmidt, D., Schmidt, K., Schoesler, Skinner, Sommers, D., Sump, Talcott, Thomas, Van Luven, Wensman

Voting nay: Representatives Anderson, Carlson, Cody, Constantine, Conway, Cooper, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Gombosky, Grant, Haigh, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lovick, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Scott, Sommers, H., Stensen, Sullivan, Tokuda, Veloria, Wolfe, Wood, and Speaker Chopp

Excused: Representatives Quall, Speaker Ballard

1999 Regular Session

Chamber: HOUSE
Bill No.: SSB 5180
Description: 334 SKINNER PG 14
Item No.: 4
Transcript No.: 105
Date: 04-25-1999

Yeas: 47 Nays: 49 Absent: 00 Excused: 02

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, B., Chandler, G., Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Fortunato, Hankins, Huff, Koster, Lambert, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Mulliken, Parlette, Pennington, Pflug, Radcliff, Schindler, Schmidt, D., Schmidt, K., Schoesler, Skinner, Sommers, D., Sump, Talcott, Thomas, Van Luven, Wensman

Voting nay: Representatives Anderson, Carlson, Cody, Constantine, Conway, Cooper, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Gombosky, Grant, Haigh, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lovick, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Scott, Sommers, H., Stensen, Sullivan, Tokuda, Voloria, Wolfe, Wood, and Speaker Chopp

Excused: Representatives Quall, Speaker Ballard

1999 Regular Session

Chamber: HOUSE
Bill No.: SSB 5180
Description: 335 KOSTER PG 14
Item No.: 5
Transcript No.: 105
Date: 04-25-1999

Yeas: 46 Nays: 50 Absent: 00 Excused: 02

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, B., Chandler, G., Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Fortunato, Hankins, Huff, Koster, Lambert, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Mulliken, Parlette, Pennington, Pflug, Radcliff, Schindler, Schmidt, D., Schmidt, K., Schoesler, Skinner, Sommers, D., Sump, Talcott, Thomas, Van Luven, Wensman

Voting nay: Representatives Anderson, Campbell, Carlson, Cody, Constantine, Conway, Cooper, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Gombosky, Grant, Haigh, Hatfield, Hurst, Kagi, Kastama, Keiser,

Kenney, Kessler, Lantz, Linville, Lovick, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Scott, Sommers, H., Stensen, Sullivan, Tokuda, Veloria, Wolfe, Wood, and Speaker Chopp

Excused: Representatives Quall, Speaker Ballard

1999 Regular Session

Chamber: HOUSE
Bill No.: SSB 5180
Description: 336 THOMAS PG 24
Item No.: 6
Transcript No.: 105
Date: 04-25-1999

Yeas: 47 Nays: 49 Absent: 00 Excused: 02

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, B., Chandler, G., Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Fortunato, Hankins, Huff, Koster, Lambert, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Mulliken, Parlette, Pennington, Pflug, Radcliff, Schindler, Schmidt, D., Schmidt, K., Schoesler, Skinner, Sommers, D., Sump, Talcott, Thomas, Van Luven, Wensman

Voting nay: Representatives Anderson, Carlson, Cody, Constantine, Conway, Cooper, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Gombosky, Grant, Haigh, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lovick, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Scott, Sommers, H., Stensen, Sullivan, Tokuda, Veloria, Wolfe, Wood, and Speaker Chopp

Excused: Representatives Quall, Speaker Ballard

1999 Regular Session

Chamber: HOUSE
Bill No.: SSB 5180
Description: 338 PARLETTE PG 40
Item No.: 7
Transcript No.: 105
Date: 04-25-1999

Yeas: 46 Nays: 50 Absent: 00 Excused: 02

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, B., Chandler, G., Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Fortunato, Hankins, Huff, Koster, Lambert, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell,

Mulliken, Parlette, Pennington, Pflug, Radcliff, Schindler, Schmidt, D., Schmidt, K., Schoesler, Skinner, Sommers, D., Sump, Talcott, Thomas, Van Luven, Wensman

Voting nay: Representatives Anderson, Campbell, Carlson, Cody, Constantine, Conway, Cooper, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Gombosky, Grant, Haigh, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lovick, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Scott, Sommers, H., Stensen, Sullivan, Tokuda, Veloria, Wolfe, Wood, and Speaker Chopp

Excused: Representatives Quall, Speaker Ballard

1999 Regular Session

Chamber: HOUSE
 Bill No.: SSB 5180
 Description: 339 MCMORRIS PG 50
 Item No.: 8
 Transcript No.: 105
 Date: 04-25-1999

Yeas: 46 Nays: 50 Absent: 00 Excused: 02

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, B., Chandler, G., Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Fortunato, Hankins, Huff, Koster, Lambert, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Mulliken, Parlette, Pennington, Pflug, Radcliff, Schindler, Schmidt, D., Schmidt, K., Schoesler, Skinner, Sommers, D., Sump, Talcott, Thomas, Van Luven, Wensman

Voting nay: Representatives Anderson, Campbell, Carlson, Cody, Constantine, Conway, Cooper, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Gombosky, Grant, Haigh, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lovick, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Scott, Sommers, H., Stensen, Sullivan, Tokuda, Veloria, Wolfe, Wood, and Speaker Chopp

Excused: Representatives Quall, Speaker Ballard

1999 Regular Session

Chamber: SENATE
 Bill No.: SSB 5180
 Description: FINAL PASSAGE AS AMENDED BY THE HOUSE.
 Item No.: 8
 Transcript No.: 105
 Date: 04-25-1999

Yeas: 34 Nays: 15 Absent: 00 Excused: 00

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, Morton, Patterson, Prentice, Rasmussen, Roach, Sellar, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley, Wojahn

Voting nay: Senators Benton, Finkbeiner, Hale, Hochstatter, Honeyford, Horn, Johnson, McCaslin, McDonald, Oke, Rossi, Sheahan, Stevens, West, Zarelli

1999 Regular Session

Chamber: HOUSE
Bill No.: SSB 5180
Description: 340 ALEXANDER PG 52
Item No.: 9
Transcript No.: 105
Date: 04-25-1999

Yeas: 47 Nays: 49 Absent: 00 Excused: 02

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, B., Chandler, G., Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Fortunato, Hankins, Huff, Koster, Lambert, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Mulliken, Parlette, Pennington, Pflug, Radcliff, Schindler, Schmidt, D., Schmidt, K., Schoesler, Skinner, Sommers, D., Sump, Talcott, Thomas, Van Luven, Wensman

Voting nay: Representatives Anderson, Carlson, Cody, Constantine, Conway, Cooper, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Gombosky, Grant, Haigh, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lovick, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Scott, Sommers, H., Stensen, Sullivan, Tokuda, Veloria, Wolfe, Wood, and Speaker Chopp

Excused: Representatives Quall, Speaker Ballard

1999 Regular Session

Chamber: HOUSE
Bill No.: SSB 5180
Description: 327 BALLASIOTES PG 64
Item No.: 10
Transcript No.: 105
Date: 04-25-1999

Yeas: 46 Nays: 50 Absent: 00 Excused: 02

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, B., Chandler, G., Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Fortunato, Hankins, Huff, Koster, Lambert, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Mulliken, Parlette, Pennington, Pflug, Radcliff, Schindler, Schmidt, D., Schmidt, K., Schoesler, Skinner, Sommers, D., Sump, Talcott, Thomas, Van Luven, Wensman

Voting nay: Representatives Anderson, Campbell, Carlson, Cody, Constantine, Conway, Cooper, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Gombosky, Grant, Haigh, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lovick, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Scott, Sommers, H., Stensen, Sullivan, Tokuda, Voloria, Wolfe, Wood, and Speaker Chopp

Excused: Representatives Quall, Speaker Ballard

1999 Regular Session

Chamber: HOUSE
Bill No.: SSB 5180
Description: 348 KOSTER PG 77
Item No.: 11
Transcript No.: 105
Date: 04-25-1999

Yeas: 47 Nays: 49 Absent: 00 Excused: 02

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, B., Chandler, G., Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Dunshee, Ericksen, Esser, Fortunato, Hankins, Huff, Koster, Lambert, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Mulliken, Parlette, Pennington, Pflug, Radcliff, Schindler, Schmidt, D., Schmidt, K., Schoesler, Skinner, Sommers, D., Sump, Talcott, Thomas, Van Luven, Wensman

Voting nay: Representatives Anderson, Campbell, Carlson, Cody, Constantine, Conway, Cooper, Dickerson, Doumit, Edmonds, Edwards, Eickmeyer, Fisher, Gombosky, Grant, Haigh, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lovick, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Scott, Sommers, H., Stensen, Sullivan, Tokuda, Voloria, Wolfe, Wood, and Speaker Chopp

Excused: Representatives Quall, Speaker Ballard

1999 Regular Session

Chamber: HOUSE
Bill No.: SSB 5180
Description: 351 WENSMAN PG 93

Item No.: 12
Transcript No.: 105
Date: 04-25-1999

Yeas: 46 Nays: 50 Absent: 00 Excused: 02

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, B., Chandler, G., Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Fortunato, Hankins, Huff, Koster, Lambert, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Mulliken, Parlette, Pennington, Pflug, Radcliff, Schindler, Schmidt, D., Schmidt, K., Schoesler, Skinner, Sommers, D., Sump, Talcott, Thomas, Van Luven, Wensman

Voting nay: Representatives Anderson, Campbell, Carlson, Cody, Constantine, Conway, Cooper, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Gombosky, Grant, Haigh, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lovick, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Scott, Sommers, H., Stensen, Sullivan, Tokuda, Veloria, Wolfe, Wood, and Speaker Chopp

Excused: Representatives Quall, Speaker Ballard

1999 Regular Session

Chamber: HOUSE
Bill No.: SSB 5180
Description: 352 DUNN PG104
Item No.: 13
Transcript No.: 105
Date: 04-25-1999

Yeas: 44 Nays: 53 Absent: 00 Excused: 01

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, B., Chandler, G., Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Esser, Fortunato, Huff, Koster, Lambert, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Mulliken, Parlette, Pennington, Pflug, Radcliff, Schindler, Schmidt, D., Schmidt, K., Schoesler, Skinner, Sommers, D., Sump, Talcott, Thomas, Van Luven, Wensman

Voting nay: Representatives Anderson, Campbell, Carlson, Cody, Constantine, Conway, Cooper, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lovick, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Scott, Sommers, H., Stensen, Sullivan, Tokuda, Veloria, Wolfe, Wood, and Speaker Chopp

Excused: Representative Speaker Ballard

1999 Regular Session

Chamber: HOUSE
Bill No.: SSB 5180
Description: 356 RADCLIFF PG134
Item No.: 14
Transcript No.: 105
Date: 04-25-1999

Yeas: 44 Nays: 53 Absent: 00 Excused: 01

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, B., Chandler, G., Clements, Crouse, DeBolt, Delvin, Dunn, Esser, Fortunato, Hankins, Huff, Koster, Lambert, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Mulliken, Parlette, Pennington, Pflug, Radcliff, Schindler, Schmidt, D., Schmidt, K., Schoesler, Skinner, Sommers, D., Sump, Talcott, Thomas, Van Luven, Wensman

Voting nay: Representatives Anderson, Campbell, Carlson, Cody, Constantine, Conway, Cooper, Cox, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Fisher, Gombosky, Grant, Haigh, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lovick, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Scott, Sommers, H., Stensen, Sullivan, Tokuda, Voloria, Wolfe, Wood, and Speaker Chopp

Excused: Representative Speaker Ballard

1999 Regular Session

Chamber: HOUSE
Bill No.: SSB 5180
Description: 359 HANKINS PG161
Item No.: 15
Transcript No.: 105
Date: 04-25-1999

Yeas: 47 Nays: 50 Absent: 00 Excused: 01

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, B., Chandler, G., Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Fortunato, Hankins, Huff, Koster, Lambert, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Mulliken, Parlette, Pennington, Pflug, Radcliff, Schindler, Schmidt, D., Schmidt, K., Schoesler, Skinner, Sommers, D., Sump, Talcott, Thomas, Van Luven, Wensman

Voting nay: Representatives Anderson, Carlson, Cody, Constantine, Conway, Cooper, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer,

Fisher, Gombosky, Grant, Haigh, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lovick, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Scott, Sommers, H., Stensen, Sullivan, Tokuda, Veloria, Wolfe, Wood, and Speaker Chopp
Excused: Representative Speaker Ballard

1999 Regular Session

Chamber: HOUSE
Bill No.: SSB 5180
Description: FINAL PASSAGE AS AMENDED BY THE HOUSE
Item No.: 16
Transcript No.: 105
Date: 04-25-1999

Yeas: 53 Nays: 44 Absent: 00 Excused: 01

Voting yea: Representatives Anderson, Campbell, Carlson, Cody, Constantine, Conway, Cooper, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lovick, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Scott, Sommers, H., Stensen, Sullivan, Tokuda, Veloria, Wolfe, Wood, and Speaker Chopp
Voting nay: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, B., Chandler, G., Clements, Cox, Crouse, DeBolt, Dunn, Ericksen, Esser, Fortunato, Huff, Koster, Lambert, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Mulliken, Parlette, Pennington, Pflug, Radcliff, Schindler, Schmidt, D., Schmidt, K., Schoesler, Skinner, Sommers, D., Sump, Talcott, Thomas, Van Luven, Wensman
Excused: Representative Speaker Ballard

SENATE BILL 5255

Changing Washington Conservation Corps Provisions

PROGRAM IMPACTS

The bill repeals the sunset provisions affecting the Washington Conservation Corps (WCC). It also made a number of other changes, including the WCC definition of distressed counties is replaced by that used in RCW 43.168.020. Optional raises for corps members are allowed, and up to two years of membership rather than one. The Department of Agriculture and all references to the Youth Employment Exchange have been removed from this legislation. Administrative and support costs have been redefined to indicate that not more than 20 percent of the total appropriation can be spent on administration and program support (training, travel, tools, and equipment) combined. Spending authority is clarified so that at least 80 percent of program funds must be spent on Corps member's salaries, benefits, and direct supervision.

RESOURCE IMPACTS

No resource impacts. The WCC budget within the Department of Ecology, was increased by \$119,000 to cover minimum wage increases over the next two years.

WORK PLAN

The WCC agencies will create uniform performance measures.

The WCC agencies will all use a computer database to track corpsmember statistics and work project accomplishments.

The WCC agencies will develop a system for tracking corps members employment/education data after they have completed the program in order to assess effectiveness of the program.

TIMETABLE:

June 1999 Performance measures developed

July 1999 Performance measures implemented

July 1999 All agencies utilizing uniform database

Sept 1999 Corps member “follow up” tracking system in place

Contact person: Rob Spath – Shoreland Environmental Assistance Program (WCC)

Phone: (360) 407-6936; E-mail: rspa461@ecy.wa.gov

FINAL BILL REPORT

SB 5255

C 280 L 99

Synopsis as Enacted

Brief Description: Changing Washington Conservation Corps provisions.

Sponsors: Senators Jacobsen, Oke, Rasmussen and Finkbeiner; by request of Department of Fish and Wildlife.

Senate Committee on Natural Resources, Parks & Recreation

Senate Committee on Ways & Means

House Committee on Natural Resources

House Committee on Appropriations

Background: Established in 1983, the Washington Conservation Corps (WCC) employs unemployed residents who are between 18 and 25 years old. It is intended to provide them with a meaningful work experience and is administered by six state agencies. Due to a sunset provision, the program is scheduled to expire on June 30, 1999. It is believed that continuation of the program, along with some expansion and updating, would be beneficial.

Summary: The sunset provisions affecting the WCC are repealed. A number of modernizing changes are made, including changed agency names. The WCC definition of distressed county is replaced by that used in RCW 43.168.020. It allows for optional raises for corps members and up to two years of membership, rather than one. The Department of Agriculture is removed from the program. Spending authority is clarified so that at least 80 percent of program funds must be spent on members' salaries, benefits, and supervision. Some support costs are likewise limited.

Votes on Final Passage:

Senate	43	0	
House	94	2	(House amended)
Senate	49	0	(Senate concurred)

Effective: May 13, 1999

Roll Calls on a Bill: 5255 (1999-00)

Brief Title: Changing Washington conservation corps provisions.

1999 Regular Session

Chamber: SENATE
Bill No.: SB 5255
Description: THIRD READING - FINAL PASSAGE.
Item No.: 3
Transcript No.: 62
Date: 03-13-1999

Yeas: 43 Nays: 00 Absent: 01 Excused: 05

Voting yea: Senators Bauer, Benton, Deccio, Eide, Fairley, Finkbeiner, Franklin, Gardner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn, Zarelli
Absent: Senator Fraser
Excused: Senators Brown, Costa, Heavey, Roach, Shin

1999 Regular Session

Chamber: SENATE
Bill No.: SB 5255
Description: FINAL PASSAGE AS AMENDED BY THE HOUSE.
Item No.: 16
Transcript No.: 105
Date: 04-25-1999

Yeas: 49 Nays: 00 Absent: 00 Excused: 00

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn, Zarelli

1999 Regular Session

Chamber: HOUSE
Bill No.: SB 5255
Description: FINAL PASSAGE AS AMENDED BY THE HOUSE
Item No.: 21
Transcript No.: 105

Date: 04-25-1999

Yeas: 94 Nays: 02 Absent: 00 Excused: 02

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, B., Chandler, G., Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, D., Schmidt, K., Schoesler, Schual-Berke, Skinner, Sommers, D., Sommers, H., Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, and Speaker Chopp

Voting nay: Representatives Benson, Dunn

Excused: Representatives Scott, Speaker Ballard

ENGROSSED SUBSTITUTE SENATE BILL 5290

Changing the Freshwater Aquatic Weeds Management Program by Clarifying Funding and Creating an Advisory Committee

PROGRAM IMPACTS

ESSB 5290 established criteria that requires:

- No less than two thirds of the appropriated funds must be issued as grants to prevent, remove, reduce, or manage excessive freshwater weeds.
- No more than one third of the appropriated funds shall be used to provide technical assistance and public educational programs about freshwater weeds. Other program administration funds (grant administration) will also come from the one-third allocation.
- An advisory committee shall be appointed to oversee the freshwater Aquatic Weeds Management Program.

RESOURCE IMPACTS

This program is funded by a \$3.00 fee added to each boat trailer license issued in Washington. About \$600,000 of revenue is generated each year. The Legislature appropriated \$1.43 million for the 99-01 biennium. However, no new resources were provided to administer the Advisory Committee. This will have a negative impact on public educational and technical assistance activities, because about one quarter time of the FTE devoted to these activities will now be diverted to committee administration.

WORK PLAN

- An advisory committee will be established September 30, 1999.
- Budgeting for the 99-01 biennium will reflect the new criteria established in the bill.
- No new staff are proposed to be hired.

Contact person: Kathy Hamel – Water Quality Program

Phone: (360) 407-6562; E-mail: kham461@ecy.wa.gov

FINAL BILL REPORT

ESSB 5290

C 251 L 99

Synopsis as Enacted

Brief Description: Changing the freshwater aquatic weeds management program by clarifying funding and creating an advisory committee.

Sponsors: Senate Committee on Environmental Quality & Water Resources (originally sponsored by Senators Fraser, Swecker, Winsley, Fairley, Franklin, Morton, Prentice, Spanel, Jacobsen, Honeyford, Oke and Rasmussen).

Senate Committee on Environment Quality & Water Resources

House Committee on Agriculture & Ecology

House Committee on Appropriations

Background: The freshwater aquatic weeds account created in 1991 is funded by a \$3 annual licensing surcharge on boat trailers. The purposes of the account are to: (1) provide grants to state agencies and local governments to control aquatic weeds in waters with a public boat launch; (2) develop a public education program related to the prevention of the propagation of aquatic weeds; (3) provide technical assistance to local governments and citizen groups; (4) fund pilot projects; and (5) conduct hydrilla eradication activities. Revenues generated to date total approximately \$4.9 million.

Summary: The Department of Ecology must allocate the freshwater aquatic weeds account as follows:

- (1) No less than two-thirds of the funds must be issued as grants to state agencies, local governments, tribes and special purpose districts to prevent or control freshwater aquatic weeds; conduct pilot projects and hydrilla eradication activities. All grants are to fund weed control activities in waters with public boat launch facilities, except hydrilla eradication activities and to control weeds in waters designated as fly fishing-only by the Department of Fish and Wildlife.
- (2) No more than one-third of the funds must be allocated for public education programs and technical assistance to local governments and citizens groups.

The Department must appoint an advisory committee to oversee the freshwater aquatic weeds management program. The committee must include representatives of the following groups: recreational boaters; residents

adjacent to lakes, rivers, or streams with public boat launch facilities; local governments; scientific specialists; aquatic pesticide applicators; pesticide registrants and the aquatic nuisance species coordinating committee if SB 5315 passes and establishes the coordinating committee.

Votes on Final Passage:

Senate	48	0	
House	94	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: July 25, 1999

Roll Calls on a Bill: 5290 (1999-00)

Brief Title: Changing the freshwater aquatic weeds management program by clarifying funding and creating an advisory committee.

1999 Regular Session

Chamber: SENATE
Bill No.: SSB 5290
Description: THIRD READING - FINAL PASSAGE.
Item No.: 20
Transcript No.: 61
Date: 03-12-1999

Yeas: 48 Nays: 00 Absent: 00 Excused: 01

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn, Zarelli

Excused: Senator Hargrove

1999 Regular Session

Chamber: HOUSE
Bill No.: SSB 5290
Description: FINAL PASSAGE AS AMENDED BY THE HOUSE
Item No.: 19
Transcript No.: 92
Date: 04-12-1999

Yeas: 94 Nays: 00 Absent: 00 Excused: 04

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, B., Chandler, G., Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, Schmidt, D., Schmidt, K., Schoesler, Schual-Berke, Skinner, Sommers, D., Sommers, H., Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Speaker Ballard, and Speaker Chopp

Excused: Representatives Edwards, Quall, Santos, Scott

1999 Regular Session

Chamber: SENATE
Bill No.: SSB 5290
Description: FINAL PASSAGE AS AMENDED BY THE HOUSE.
Item No.: 13
Transcript No.: 100
Date: 04-20-1999

Yeas: 46 Nays: 00 Absent: 01 Excused: 02

Voting Senators Bauer, Brown, Costa, Deccio, Fairley, Finkbeiner, Franklin, Fraser,
yea: Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford,
Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe,
McCaslin, McDonald, Morton, Patterson, Prentice, Rasmussen, Roach,
Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel,
Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn, Zarelli

Absent: Senator Benton

Excused: Senators Eide, Oke

ENGROSSED SUBSTITUTE SENATE BILL 5424

Allowing the Use of Certain Commercially Approved Herbicides for Aquatic Plant Management

PROGRAM IMPACTS

This bill requires that Ecology update the Environmental Impact Statement for the Aquatic Plant Management Program. Also, it requires that Ecology maintain the currency of the information on herbicides and evaluate new herbicides, as they become commercially available.

ESSB 5424 allows the experimental use of Hydrothol 191 on Lake Steilacoom. The intent of the experimental use is to provide more information on the efficacy, fate and persistence of hydrothol 191 as it is used to control algal (more specifically blue-green) blooms.

It allows government entities to apply 2,4-D, without needing permits from Ecology, to control Eurasian watermilfoil in limited infestation and follow-up projects. Limited infestations are recently documented or remaining after previous control measures and are no more than 20 percent of the littoral zone.

RESOURCE IMPACTS

Requires an update to the 1992 Aquatic Plant Management Final Supplemental Environmental Impact Statement (FSEIS). An environmental planner will be hired for two years to manage the update of the EIS at a cost of \$90,000 to \$110,000 per year. Funding for the position will come out of the \$483,000 general funds appropriated by the Legislature. That will leave about \$140,000 for each of the next two years for contracts to consultants to conduct risk analyses on four herbicides per year. After that, a continuing effort will likely be required annually to maintain the currency of the information on herbicides and evaluate new herbicides as they become commercially available. Funding has not been assured for maintaining the currency of information in future years.

A general fund appropriation of \$35,000 was provided for a contract with the Washington Institute for Public Policy to study the effectiveness of Hydrothol 191 in controlling algae on Lake Steilacoom. Because the bill provided the funds for FY 1999 only, the Institute could not conduct the study before the end of the funding period. Therefore, the Institute has withdrawn from the contract. Hydrothol 191 can only be applied under an experimental plan. This means that

Southwest Regional Office (SWRO) will still have to work with the sponsor of the herbicide application to develop and implement an experimental plan. In the event that Hydrothol 191 is deemed ineffective, a copper sulfate treatment could then be considered. This could result in further time costs to SWRO.

Section 3. (5) allows for Freshwater Weeds Account Funds to be used for the 2,4-D treatments. There should be no net change in costs to staff or the funds to fund the 2,4-D treatments.

No rule updates are needed.

WORK PLAN

The update of the FSEIS will include hiring a project position and contracting with consultants. SEPA requirements will include setting up and conducting advisory committee meetings, scoping, development of the draft supplements or addendums, internal and external reviews of the documents, writing of the final supplements or addendums and responsiveness summaries and printing and distribution of draft and final documents. Separate from the process of the EIS update, a plan will be developed for maintaining the currency of new information and evaluating new herbicides as they become commercially available.

Proposed hiring plan: Hire Environmental Planner 3 by July 1999

Contact person: Allen Moore – Water Quality Program
Phone: (360) 407- 6563; E-mail: amoo461@ecy.wa.gov

FINAL BILL REPORT

ESSB 5424

C 255 L 99

Synopsis as Enacted

Brief Description: Allowing the use of certain commercially approved herbicides for aquatic plant management.

Sponsors: Senate Committee on Environmental Quality & Water Resources
(originally sponsored by Senators Winsley, Fraser, Honeyford, Hochstatter, Hale, McCaslin, West and Haugen).

Senate Committee on Environmental Quality & Water Resources

Senate Committee on Ways & Means

House Committee on Agriculture & Ecology

House Committee on Appropriations

Background: The Department of Ecology authorizes and guides the use of pesticides to control aquatic plants and weeds based on information in the 1992 Aquatic Plant Management Program Environmental Impact Statement (EIS). The EIS reviewed the aquatic plant control methods available at the time and recommended conditions or prohibitions to be placed on pesticide use. Since 1992, the Environmental Protection Agency has approved aquatic plant pesticides for commercial use, but the state has not had an instrument to review these products or evaluate new information relevant to pesticides evaluated in the 1992 EIS.

Summary: The Department of Ecology must update the final environmental impact statement completed in 1992 for the aquatic plant management program to reflect new information on herbicides evaluated in 1992 and new, commercially available herbicides. The department must maintain the currency of the information on herbicides and evaluate new herbicides as they become commercially available.

The experimental use of hydrothol 191 is authorized during the 1999 treatment season to control algae in certain lakes. If the use of this herbicide is ineffective, then the Department of Ecology may permit the use of copper sulfate after consulting with federal, state, and local agencies as well as interested parties. The Washington State Institute for Public Policy is directed to contract for a study on the effectiveness of any herbicide used on the lake. A general fund appropriation in the amount of \$35,000 is provided for the study.

Government entities are authorized to use the pesticide 2,4-D to treat an initial infestation of Eurasian water milfoil. If the entity complies with the pesticide label requirements and notifies lake residents of the intended pesticide use, the entity is exempt from the requirement of obtaining short-term water quality modification from the Department of Ecology. A 21-day notice is required to the Departments of Ecology, Health, Agriculture, and Fish and Wildlife prior to applying 2,4-D. The Department of Fish and Wildlife may impose timing restrictions on the use of 2,4-D to protect salmon and other fish and wildlife. The Department of Ecology may prohibit the use of aquatic 2,4-D if it exceeds the standard for dioxin established by EPA. The use of funds from the freshwater aquatic weeds account for 2,4-D application is authorized.

The act is null and void if not funded in the budget.

Votes on Final Passage:

Senate	48	0	
House	65	30	(House amended)
Senate	44	0	(Senate concurred)

Effective: May 10, 1999

Roll Calls on a Bill: 5424 (1999-00)

Brief Title: Allowing the use of certain commercially approved herbicides for aquatic plant management.

1999 Regular Session

Chamber: SENATE
Bill No.: SSB 5424
Description: THIRD READING - FINAL PASSAGE.
Item No.: 42
Transcript No.: 64
Date: 03-15-1999

Yeas: 48 Nays: 00 Absent: 00 Excused: 01

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn, Zarelli
Excused: Senator Sellar

1999 Regular Session

Chamber: HOUSE
Bill No.: SSB 5424
Description: FINAL PASSAGE AS AMENDED BY THE HOUSE
Item No.: 7
Transcript No.: 96
Date: 04-16-1999

Yeas: 65 Nays: 30 Absent: 00 Excused: 03

Voting yea: Representatives Alexander, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Carlson, Carrell, Chandler, B., Chandler, G., Clements, Conway, Cox, DeBolt, Delvin, Doumit, Dunn, Edwards, Eickmeyer, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Kastama, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Mulliken, Ogden, Parlette, Pennington, Pflug, Radcliff, Reardon, Regala, Schindler, Schmidt, D., Schmidt, K., Schoesler, Scott, Skinner, Sommers, D., Sommers, H., Stensen, Sump, Talcott, Van Luven, Wensman, Wolfe, Wood, Speaker Ballard
Voting nay: Representatives Anderson, Barlean, Campbell, Cody, Constantine, Cooper, Dickerson, Dunshee, Edmonds, Ericksen, Esser, Fisher, Hurst, Kagi, Keiser, Kenney, McIntire, Murray, O'Brien, Poulsen, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Sullivan, Thomas, Tokuda,

Veloria, and Speaker Chopp
Excused: Representatives Crouse, Morris, Quall

1999 Regular Session

Chamber: SENATE
Bill No.: SSB 5424
Description: FINAL PASSAGE AS AMENDED BY THE HOUSE.
Item No.: 5
Transcript No.: 102
Date: 04-22-1999

Yeas: 44 Nays: 00 Absent: 01 Excused: 04

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn, Zarelli
Absent: Senator Bauer
Excused: Senators Finkbeiner, Haugen, Long, McDonald

SECOND SUBSTITUTE SENATE BILL 5536

Requiring a Review and Report on the Adequacy of Department of Natural Resources Management Plans of Forest Lands Within Watersheds

PROGRAM IMPACTS

This is a single section bill that would require a review and report by June 30, 2000 on the adequacy of Department of Natural Resources management plans for forested lands within municipal watersheds. It would establish a pilot in the Lake Whatcom watershed to determine what management actions could be taken to achieve water quality standards beyond state law (Chapter 90.48 RCW). It would institute an advisory committee which would include Ecology.

RESOURCE IMPACTS

The financial implication assumptions used in the fiscal note on this bill were the following:

- Assume Ecology would be involved in development of the report and staff would be working out of the Bellingham/Nooksack field office
- Ecology would sit on the advisory committee
- Estimate it would take ¼ FTE at the Environmental Specialist 3 level for working on the report, sitting on the committee, materials preparation, project field review, briefings, and related staff work
- Depending on the outcome of the pilot, this could portend additional work in other watersheds
- No rule making is assumed

The bill did not provide additional budgetary resources. Existing staff will implement the bill.

WORK PLAN

Based on the above assumptions, the following activities of existing staff are projected:

Staff would work on the report, sit on the committee, prepare materials, conduct project field review, briefings, and perform related staff work. Since Ecology staff would probably work out of the Nooksack Office in Bellingham, travel would

be minimized, and other costs would be at the standard rates. These costs were not covered in the Governor's budget.

The report that would be prepared from this bill would include guidance and probably best management practices guidelines to protect drinking water. Ecology would be one player on the committee developing this material.

The review and report are due by June 30, 2000.

Contact person: Richard Grout - Bellingham Field Office
Phone: (360) 738-6255; E-mail: rgro461@ecy.wa.gov

FINAL BILL REPORT

2SSB 5536

C 257 L 99

Synopsis as Enacted

Brief Description: Creating a pilot project for a municipal watershed on state trust lands.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Spanel and Gardner).

Senate Committee on Natural Resources, Parks & Recreation

Senate Committee on Ways & Means

House Committee on Agriculture & Ecology

House Committee on Appropriations

Background: Local governments have expressed concern over the impact of timber harvest within municipal watersheds. Under existing law, a city or town may request that the Department of Natural Resources alter land management practices within a watershed to ensure that drinking water exceeds water quality standards.

Summary: The Department of Natural Resources must initiate a pilot project in the Lake Whatcom watershed to determine what management actions could be taken to achieve water quality standards beyond those required by state law. The department must establish an advisory committee with representatives of state agencies, local governments, and citizens.

The pilot project must be completed by June 30, 2000. All timber sales within the Lake Whatcom watershed must be deferred until the pilot project is complete. The advisory committee must attempt to resolve any differences of opinion through various means, including facilitation or mediation, and the department is required to report to the natural resources committees of the House of Representatives and of the Senate with study results.

Votes on Final Passage:

Senate	47	0	
House	95	0	(House amended)
Senate	45	0	(Senate concurred)

Effective: July 25, 1999

Roll Calls on a Bill: 5536 (1999-00)

Brief Requiring a review and report on the adequacy of department of natural
Title: resources management plans of forest lands within watersheds.

1999 Regular Session

Chamber: SENATE
Bill No.: 2SSB 5536
Description: THIRD READING - FINAL PASSAGE.
Item No.: 43
Transcript No.: 61
Date: 03-12-1999

Yeas: 47 Nays: 00 Absent: 02 Excused: 00

Voting Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin,
yea: Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter,
 Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland,
 McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach,
 Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel,
 Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn, Zarelli
Absent: Senators Bauer, McDonald

1999 Regular Session

Chamber: HOUSE
Bill No.: 2SSB 5536
Description: FINAL PASSAGE AS AMENDED BY THE HOUSE
Item No.: 8
Transcript No.: 96
Date: 04-16-1999

Yeas: 95 Nays: 00 Absent: 00 Excused: 03

Voting Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt,
yea: Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, B., Chandler, G.,
 Clements, Cody, Constantine, Conway, Cooper, Cox, DeBolt, Delvin,
 Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer,
 Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins,
 Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster,
 Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris,
 Mielke, Miloscia, Mitchell, Mulliken, Murray, O'Brien, Ogden, Parlette,
 Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero,
 Ruderman, Santos, Schindler, Schmidt, D., Schmidt, K., Schoesler, Schual-
 Berke, Scott, Skinner, Sommers, D., Sommers, H., Stensen, Sullivan, Sump,
 Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood,
 Speaker Ballard, and Speaker Chopp
Excused: Representatives Crouse, Morris, Quall

1999 Regular Session

Chamber: SENATE
Bill No.: 2SSB 5536
Description: FINAL PASSAGE AS AMENDED BY THE HOUSE.
Item No.: 6
Transcript No.: 102
Date: 04-22-1999

Yeas: 45 Nays: 00 Absent: 00 Excused: 04

Voting Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin,
yea: Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford,
 Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Loveland, McAuliffe, McCaslin,
 Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar,
 Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker,
 Thibaudeau, West, Winsley, Wojahn, Zarelli
Excused: Senators Finkbeiner, Haugen, Long, McDonald

SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL 5595

Establishing the Salmon Recovery Funding Board

PROGRAM IMPACTS

This bill establishes the Salmon Recovery Funding Board (SRFB) and expands the Interagency Review Team (IRT). Ecology is made a member of both the IRT and the SRFB. Both groups are responsible for distributing up to \$120 million of salmon recovery funds; the IRT phasing out as the SRFB is established.

RESOURCE IMPACTS

No revenue was provided to implement the bill. Ecology will appoint a person to serve on the IRT. The Director or designee will serve on the SRFB

WORK PLAN

Ecology will not hire any additional people to carry out our responsibilities under 2E2SSB 5595. Tom Eaton has been appointed to serve on the IRT, and Tom Fitzsimmons will serve on the SRFB until he designates an alternate.

Contact person: Tom Eaton - Special Assistant to the Director
Phone: (360) 407-6086; E-mail: teat461@ecy.wa.gov

FINAL BILL REPORT

2E2SSB 5595

PARTIAL VETO
C 13 L 99 E1
Synopsis as Enacted

Brief Description: Establishing the salmon recovery funding board.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Jacobsen and Fraser).

Senate Committee on Natural Resources, Parks & Recreation
Senate Committee on Ways & Means

Background: A coordinated framework for responding to the endangered salmon crisis was passed in the 1998 legislative session. A number of grant programs were developed and funded resulting from that legislation.

Concern exists that the decision-making process for habitat project or activity approval needs to be administered by a professional board with fiscal oversight and knowledge of local government and salmon recovery processes and functions. In addition, needs were identified for increased monitoring of project effectiveness, integration with the Department of Fish and Wildlife salmon recovery programs, development of a statewide salmon recovery strategy, strengthening of technical and scientific review of projects, and to effect the technical changes necessary to transition from current law to the more comprehensive salmon recovery approach.

Summary: A ten-member salmon recovery funding board is created to make grants and loans for salmon habitat projects and salmon recovery activities. Five voting board members are chosen by the Governor, subject to Senate confirmation. Five nonvoting members represent the Department of Fish and Wildlife, Conservation Commission, Department of Transportation, Department of Ecology, and Department of Natural Resources. Staff support to the board is provided by the Interagency Committee for Outdoor Recreation. The board is provided with a statutory framework for elements that must be considered while making funding decisions.

A technical review team is created to assist the funding board in ranking projects and activities, and developing standardized monitoring indicators and data quality guidelines in conjunction with the independent science team. The technical review team is composed of at least five members selected by the

Director of the Department of Fish and Wildlife and staffed by the Department of Fish and Wildlife.

The Governor and the Governor's Salmon Recovery Office are required to develop a statewide salmon recovery strategy and submit it to the federal regulatory agencies by September 1, 1999. The strategy must be updated through an active public involvement process beginning September 1, 2000.

The Independent Science Panel must develop guidelines for monitoring the effectiveness of salmon habitat restoration projects and report its findings to the Governor and the Legislature. The Independent Science Panel shall be compensated by personal service contracts administered by the Salmon Recovery Office.

The Department of Fish and Wildlife's salmon and steelhead inventory and assessment project and the salmon and steelhead habitat inventory and assessment project are integrated into the statewide salmon recovery framework.

The interagency review team established in the 1998 legislation is left in effect until July 1, 2000, when it expires.

Funding for administration of the Salmon Recovery Board is transferred from the office of the Governor and Office of Financial Management to the Interagency Committee for Outdoor Recreation. Funding is provided for grants to salmon recovery projects and activities including:

- a) fish passage barrier removal
- b) habitat projects
- c) critical area updates
- d) Southwest Washington recovery region
- e) People for Salmon recovery initiative
- f) conservation district implementation of Puget Sound plan
- g) monitoring
- h) technical assistance
- i) stream corridor guidelines
- j) engineering services
- k) fish screening improvement
- l) development of selective harvest techniques
- m) reducing by-catch
- n) jobs for the environment
- o) commercial license buy-back

A salmon recovery account is created within the state treasury.

Numerous technical changes are made.

A severability clause is included.

Votes on Final Passage:

Senate 35 14

First Special Session

Senate 31 16

House 91 5 (House amended)

Senate 38 9 (Senate concurred)

Effective: July 1, 1999

Partial Veto Summary: The section changing salmon recovery definitions was vetoed. The technical review team section was vetoed in its entirety, resulting in the removal of the science-based review process for salmon recovery projects. Two sections removing funding for the Governor' office and the Office of Financial Management were vetoed. Also vetoed was the majority of section 22, which provided specific appropriations for various salmon recovery activities, resulting in more discretion for funding decisions of the salmon recovery funding board.

Roll Calls on a Bill: 5595 (1999-00)

Brief Title: Establishing the salmon recovery funding board.

1999 Regular Session

Chamber: SENATE
Bill No.: 2SSB 5595
Description: THIRD READING - FINAL PASSAGE.
Item No.: 14
Transcript No.: 64
Date: 03-15-1999

Yeas: 35 Nays: 14 Absent: 00 Excused: 00

Voting Senators Bauer, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser,
yea: Gardner, Goings, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen,
Kline, Kohl-Welles, Long, Loveland, McAuliffe, Oke, Patterson, Prentice,
Rasmussen, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel,
Thibaudeau, West, Winsley, Wojahn
Voting Senators Benton, Deccio, Hale, Hochstatter, Johnson, McCaslin, McDonald,
nay: Morton, Roach, Sellar, Sheahan, Stevens, Swecker, Zarelli

1999 1st Special Session

Chamber: SENATE
Bill No.: 2SSB 5595
Description: THIRD READING - FINAL PASSAGE UNDER SUSPENSION OF
THE RULES.
Item No.: 2
Transcript No.: 1
Date: 05-17-1999

Yeas: 31 Nays: 16 Absent: 00 Excused: 02

Voting Senators Bauer, Costa, Eide, Franklin, Fraser, Gardner, Goings, Hargrove,
yea: Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe,
McDonald, Oke, Patterson, Prentice, Rasmussen, Rossi, Sheldon, B.,
Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley,
Wojahn
Voting Senators Benton, Deccio, Fairley, Hale, Hochstatter, Honeyford, Horn,
nay: Johnson, Long, McCaslin, Morton, Roach, Sellar, Sheahan, Stevens, Zarelli
Excused: Senators Brown, Finkbeiner

1999 1st Special Session

Chamber: HOUSE
Bill No.: 2SSB 5595
Description: FINAL PASSAGE AS AMENDED BY THE HOUSE
Item No.: 8

Transcript No.: 2
Date: 05-18-1999

Yeas: 91 Nays: 05 Absent: 00 Excused: 02

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, B., Chandler, G., Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Ruderman, Schindler, Schmidt, D., Schmidt, K., Schoesler, Schual-Berke, Skinner, Sommers, D., Sommers, H., Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Veloria, Wensman, Wolfe, Wood, Speaker Ballard, and Speaker Chopp

Voting nay: Representatives Hatfield, Lantz, Linville, Romero, Santos

Excused: Representatives Scott, Van Luven

1999 1st Special Session

Chamber: SENATE
Bill No.: 2SSB 5595
Description: FINAL PASSAGE AS AMENDED BY THE HOUSE.
Item No.: 2
Transcript No.: 3
Date: 05-19-1999

Yeas: 38 Nays: 09 Absent: 01 Excused: 01

Voting yea: Senators Bauer, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Oke, Patterson, Prentice, Rasmussen, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley, Wojahn

Voting nay: Senators Benton, Deccio, Hochstatter, McCaslin, Morton, Roach, Sheahan, Stevens, Zarelli

Absent: Senator Sellar

Excused: Senator Johnson

SENATE BILL 5670

Creating Criteria for the Issuance of Water Quality Permits for the Treatment of Noxious Weeds

PROGRAM IMPACTS

This bill addresses:

- specific conditions for the use of the herbicide to control spartina
- specific conditions for the use of herbicides to control noxious aquatic weeds
- exempts from SEPA review experimental use permits on aquatic sites less than an acre
- authorizes the Department of Agriculture to update the Aquatic Emergent EIS
- requires that aquatic noxious weed control permits be effective for five years unless the sponsor asks for a shorter duration

The bill emphasizes that the requirements set forth in the Aquatic Plant Management EISs are to 'be considered guidelines.'

RESOURCE IMPACTS

No revenue was provided, however, the costs/savings from the exemption of the SEPA process for the issuance of Experimental Use Permits could result in a slight savings of staff time. Also, issuance of five-year permits will provide longer-term savings. Total long-term regional savings at an Environmental Specialist 3 level may be about 0.25 FTE. Savings to HQ SEPA personnel would be negligible.

WORK PLAN

Except for the incorporation of specific language in existing and new aquatic noxious weed permits, the bill does not require the carrying out of specific tasks. Revisions have already been made to the statewide permit issued to Agriculture. No rule making is necessary because the specifics are already in the bill.

Contact person: Allen Moore – Water Quality Program
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FINAL BILL REPORT

SB 5670

C 11 L 99 E1

Synopsis as Enacted

Brief Description: Creating criteria for the issuance of water quality permits for the treatment of noxious weeds.

Sponsors: Senators Snyder and Rasmussen.

Senate Committee on Natural Resources, Parks & Recreation
House Committee on Agriculture & Ecology

Background: Spartina is classified as an aquatic noxious weed. The Department of Agriculture is primarily responsible for controlling Spartina. In doing so, it is required to apply to the Department of Ecology for a permit to apply certain experimental herbicides. The Department of Ecology sets the conditions for application.

Summary: The application of herbicides and surfactants registered to control Spartina and other noxious weeds, subject to certain specified conditions of application and water quality criteria is authorized. Permits for such applications are valid for five years.

Application of experimental herbicides is also authorized. Those applications are exempt from the State Environmental Policy Act.

The Department of Agriculture may add assessments of possible herbicide application changes to the existing environmental impact statement, rather than issuing a new statement.

Votes on Final Passage:

Senate	46	0
House	70	26 (House amended)
Senate	(Senate refused to concur)	

First Special Session

Senate	45	0
House	93	1

Effective: June 7, 1999

Roll Calls on a Bill: 5670 (1999-00)

Brief Title: Creating criteria for the issuance of water quality permits for the treatment of noxious weeds.

1999 Regular Session

Chamber: SENATE
Bill No.: SB 5670
Description: THIRD READING - FINAL PASSAGE.
Item No.: 37
Transcript No.: 60
Date: 03-11-1999

Yeas: 46 Nays: 00 Absent: 00 Excused: 03

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn, Zarelli
Excused: Senators McDonald, Morton, West

1999 Regular Session

Chamber: HOUSE
Bill No.: SB 5670
Description: FINAL PASSAGE AS AMENDED BY THE HOUSE
Item No.: 21
Transcript No.: 104
Date: 04-24-1999

Yeas: 70 Nays: 26 Absent: 00 Excused: 02

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, B., Chandler, G., Clements, Conway, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Edwards, Eickmeyer, Ericksen, Esser, Fortunato, Grant, Haigh, Hankins, Hatfield, Huff, Kastama, Kessler, Koster, Lambert, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Radcliff, Reardon, Ruderman, Santos, Schindler, Schmidt, D., Schmidt, K., Schoesler, Skinner, Sommers, D., Sommers, H., Sump, Talcott, Van Luven, Wood, Speaker Ballard, and Speaker Chopp
Voting nay: Representatives Cody, Constantine, Cooper, Dickerson, Dunshee, Edmonds, Fisher, Gombosky, Hurst, Kagi, Keiser, Kenney, Lantz, McIntire, Poulsen, Regala, Rockefeller, Romero, Schual-Berke, Stensen, Sullivan, Thomas, Tokuda, Voloria, Wensman, Wolfe
Excused: Representatives Quall, Scott

1999 1st Special Session

Chamber: HOUSE
Bill No.: SB 5670
Description: FINAL PASSAGE
Item No.: 6
Transcript No.: 3
Date: 05-19-1999

Yeas: 93 Nays: 01 Absent: 00 Excused: 04

Voting Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt,
yea: Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, B., Chandler,
G., Clements, Cody, Constantine, Conway, Cooper, Cox, DeBolt, Delvin,
Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher,
Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi,
Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk,
Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell,
Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug,
Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman,
Santos, Schindler, Schmidt, D., Schmidt, K., Schoesler, Schual-Berke,
Skinner, Sommers, D., Sommers, H., Stensen, Sullivan, Sump, Talcott,
Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Speaker Ballard, and
Speaker Chopp
Voting Representative Dickerson
nay:
Excused: Representatives Crouse, Edwards, Scott, Thomas

1999 1st Special Session

Chamber: SENATE
Bill No.: SB 5670
Description: THIRD READING - FINAL PASSAGE.
Item No.: 8
Transcript No.: 3
Date: 05-19-1999

Yeas: 45 Nays: 00 Absent: 00 Excused: 04

Voting Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner,
yea: Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford,
Horn, Jacobsen, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin,
McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi,
Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens,
Swecker, Thibaudeau, West, Winsley, Wojahn, Zarelli
Excused: Senators Franklin, Hargrove, Johnson, Sellar

SUBSTITUTE SENATE BILL 5729

Establishing Parameters for Solid Waste Facility Locational Standards

PROGRAM IMPACTS

This bill expands siting criteria for new solid waste landfills that start construction after April 27, 1999. Two rules could be affected: WAC 173-304 and WAC 173-351. WAC 173-304 is in the rule amendment process now and these new requirements will be incorporated as appropriate. Any needed changes to WAC 173-351 will be considered when that rule is open for amendment.

RESOURCE IMPACTS

No resources were provided to implement this bill, however, we estimate minimal workload will be needed. We will be helping local government to interpret and implement these new requirements as necessary. Any rule changes that are required as a result of this bill, will be incorporated into existing rule making processes.

WORK PLAN

Minimal workload increase will occur in the rule process as a result of this bill.

With existing staff, we will ensure that permitting agencies are aware of the new siting criteria.

Timeline:

WAC 173-304 Scheduled adoption date June 2000.

WAC 173-351 Completion date uncertain.

Contacts:

WAC 173-304: Mike Hibbler – Eastern Regional Office, Solid Waste & Financial Assistance Program

Phone: (509) 456-6175; E-mail: mhib461@ecy.wa.gov

**WAC 173-351: Jay Shepard – Solid Waste & Financial Assistance
Program**

Phone: (360) 407-6061; E-mail: jshe461@ecy.wa.gov

FINAL BILL REPORT

SSB 5729

C 116 L 99

Synopsis as Enacted

Brief Description: Establishing parameters for solid waste facility locational standards.

Sponsors: Senate Committee on Environmental Quality & Water Resources (originally sponsored by Senators Rasmussen and Swecker).

Senate Committee on Environmental Quality & Water Resources

Background: The Department of Ecology (DOE) has adopted “minimum functional standards” to describe the performance, design, siting, maintenance, and operating requirements for solid waste landfills. In 1993, DOE issued its final regulations addressing the minimum functional standards which apply to municipal solid waste landfills. The minimum functional standards which apply to all other types of landfills are covered by rule under a less stringent standard. Local health departments may require more stringent measures for landfill facilities in their jurisdiction.

The current minimal functional standards for municipal solid waste landfills include location criteria, construction and liner requirements, operational standards, and ground and surface water monitoring requirements.

Summary: Stringent siting and design standards are specified for large, above-grade landfills. These landfills have a design of greater than 100 acres, average more than 100 feet in height above the existing site and are wholly new facilities. For these facilities, the following new requirements apply:

- (1) must be more than five miles from a national park or a public or private nonprofit zoological park displaying native animals in the native habitats;
- (2) not allowed over a designated sole source aquifer;

(3) must have an impermeable berm constructed around the landfill, large enough to contain all material inside the landfill.

Votes on Final Passage:

Senate	32	16
House	56	38

Effective: April 27, 1999

Roll Calls on a Bill: 5729 (1999-00)

Brief Title: Establishing parameters for solid waste facility locational standards.

1999 Regular Session

Chamber: SENATE
Bill No.: SSB 5729
Description: THIRD READING - FINAL PASSAGE.
Item No.: 12
Transcript No.: 66
Date: 03-17-1999

Yeas: 32 Nays: 16 Absent: 00 Excused: 01

Voting yea: Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Zarelli
Voting nay: Senators Deccio, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Sheldon, B., West, Winsley, Wojahn
Excused: Senator Sellar

1999 Regular Session

Chamber: HOUSE
Bill No.: SSB 5729
Description: FINAL PASSAGE
Item No.: 29
Transcript No.: 105
Date: 04-25-1999

Yeas: 56 Nays: 38 Absent: 00 Excused: 04

Voting yea: Representatives Barlean, Benson, Bush, Campbell, Carlson, Clements, Cody, Constantine, Conway, Cooper, Dickerson, Dunn, Dunshee, Edwards, Eickmeyer, Fisher, Gombosky, Haigh, Hatfield, Hurst, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Lovick, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schmidt, D., Schual-Berke, Skinner, Sommers, D., Sommers, H., Stensen, Thomas, Tokuda, Van Luven, Voloria, Wolfe, Wood, and Speaker Chopp
Voting nay: Representatives Anderson, Ballasiotes, Boldt, Buck, Cairnes, Carrell, Chandler, B., Chandler, G., Cox, Crouse, Delvin, Doumit, Edmonds, Ericksen, Esser, Fortunato, Grant, Hankins, Huff, Kagi, Koster, Linville, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Mulliken, Parlette, Radcliff, Schindler, Schmidt, K., Schoesler, Sullivan, Sump, Talcott, Wensman

Excused: Representatives Alexander, DeBolt, Scott, Speaker Ballard

SUBSTITUTE SENATE BILL 5781

Extending the Commute Trip Tax Reduction Credit

PROGRAM IMPACTS

This bill increases the annual allowance for tax credits from \$1.5 million to \$2.25 million. Tax credits reduce revenue to the state General Fund. To offset the revenue loss, the General Fund is reimbursed at the rate of \$1.5 million per year by the Air Pollution Control Account and \$375,000 each from the Transportation Account and the Public Transportation Systems Account.

SSB 5781 places no direct requirements or expectations on the Department of Ecology. However the combined effect of legislative decisions in SSB 5781, the Transportation Budget and the Operating Budget leaves the Air Pollution Control Account with approximately a \$1.4 million deficit.

RESOURCE IMPACTS

Assuming the deficit in the air pollution control account will be proportionally shared by all agencies that draw on the account, Ecology's Air Quality Program and the state's seven local air agencies will receive \$900,000 less than authorized by state appropriations. This reduction comes on top of approximately \$1.6 million in air pollution funding cuts Ecology incurred in the operating budget.

The \$2.5 million loss will compromise public service and air quality protection.

Workload Consequences:

- slower permit processing; less personal help for small business
- reduced ability to assure compliance
- decreased emphasis on motor vehicles and woodstoves
- inability to offset pollution caused by growth
- reduced ambient monitoring and emissions inventory development
- more one size fits all solutions
- reduced capacity to improve science used in decisions

Environmental Consequences:

- high probability that King, Pierce, Snohomish, Spokane and Clark Counties will again violate federal air quality standards
- possible return of regulatory programs and decisions to EPA
- restricted use of federal transportation dollars

WORK PLAN

SSB 5781 does not place any direct obligations on Ecology or require modification to existing practices or regulations. Because of the significant environmental and staffing impacts of the budget cuts, the Air Quality Program will eliminate staff, reduce expenditures and evaluate potential legislative options to improve the financial picture and ensure adequate protection of public health and the environment.

- | | |
|---------------------------------------------------|------------------|
| • institute budget cuts and staff reductions | July 1999 |
| • evaluate legislative options | Summer 1999 |
| • involve stakeholders in legislation discussions | Summer/Fall 1999 |
| • complete legislative proposals, if any | Fall 1999 |

Contact person: Stu Clark - Air Quality Program
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FINAL BILL REPORT

SSB 5781

PARTIAL VETO

C 402 L 99

Synopsis as Enacted

Brief Description: Extending the commute trip tax reduction credit.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Eide, Swecker, Fraser and Costa; by request of Department of Ecology).

Senate Committee on Transportation
House Committee on Transportation

Background: Major employers (100 or more employees) in the state's nine largest counties are currently required to implement commute trip reduction programs to reduce the number of their employees traveling by single-occupant vehicles to their work sites.

To help reduce congestion, improve air quality and assist employers in efforts to provide incentives for employees to carpool, the Legislature has authorized business and occupation and public utility tax credits for employers throughout the state if they provide financial incentives to their employees for ride sharing in car pools, public transportation and non-motorized commuting. Employers may apply for a tax credit of up to \$60 per person per year or up to 50 percent of the financial incentive, whichever is less. The incentive provided to the employee by the employer must be at least double the tax credit claimed. There is a limit of \$100,000 per employer per year.

There is a cap on total credits of \$1.5 million per year. The tax credit is funded through the air pollution control account and the tax credit sunsets December 31, 2000.

Summary: The tax credit for which employers are eligible, by providing financial incentives to their employees to rideshare or use other transportation alternatives to the single occupant vehicle, are extended from December 31, 2000, to December 31, 2006.

The maximum obligation of both accounts combined, for the business and occupation tax and the public utility tax credit, is increased from \$1.5 million to \$2.25 million each calendar year. Funding for such incentives from the air pollution control account is up to \$1.5 million per year. The remainder of funds

are from the transportation account and the public transportation systems account, in equal amounts, and subject to appropriation.

The use of the public transportation systems account is broadened to include funding tax credits for commute trip reduction.

The tax credit is extended to property managers who provide financial incentives for commute trip reduction programs at their properties.

Votes on Final Passage:

Senate	43	3	
House	85	8	(House amended)
Senate	37	4	(Senate concurred)

Effective: July 25, 1999

Partial Veto Summary: The extension of the sunset on tax credits from December 31, 2000 to December 31, 2006 is eliminated.

The emergency clause causing the bill to take effect July 1, 1999 is removed.

Roll Calls on a Bill: 5781 (1999-00)

Brief Title: Extending the commute trip tax reduction credit.

1999 Regular Session

Chamber: SENATE
Bill No.: SSB 5781
Description: THIRD READING - FINAL PASSAGE.
Item No.: 36
Transcript No.: 64
Date: 03-15-1999

Yeas: 43 Nays: 03 Absent: 00 Excused: 03

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley, Wojahn

Voting nay: Senators Honeyford, Stevens, Zarelli

Excused: Senators Bauer, Loveland, Sellar

1999 Regular Session

Chamber: HOUSE
Bill No.: SSB 5781
Description: FINAL PASSAGE AS AMENDED BY THE HOUSE
Item No.: 1
Transcript No.: 92
Date: 04-12-1999

Yeas: 85 Nays: 08 Absent: 00 Excused: 05

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, B., Chandler, G., Clements, Cody, Constantine, Conway, Cooper, Crouse, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, Schmidt, D., Schmidt, K., Schual-Berke, Skinner, Sommers, D., Sommers, H., Stensen, Sullivan, Sump, Talcott, Tokuda, Voloria, Wensman, Wolfe, Speaker Ballard, and Speaker Chopp

Voting nay: Representatives Cox, DeBolt, Delvin, Gombosky, Schoesler, Thomas, Van Luven, Wood

Excused: Representatives Edwards, Miloscia, Quall, Santos, Scott

1999 Regular Session

Chamber: SENATE
Bill No.: SSB 5781
Description: FINAL PASSAGE AS AMENDED BY THE HOUSE.
Item No.: 24
Transcript No.: 103
Date: 04-23-1999

Yeas: 37 Nays: 04 Absent: 01 Excused: 07

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, Morton, Oke, Patterson, Prentice, Rasmussen, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Winsley, Wojahn
Voting nay: Senators Honeyford, Roach, Stevens, Zarelli
Absent: Senator Sellar
Excused: Senators Loveland, McCaslin, McDonald, Rossi, Snyder, Thibaudeau, West

ENGROSSED SUBSTITUTE SENATE BILL 5803

Changing Dairy Nutrient Management Provisions

PROGRAM IMPACTS

This bill requires Ecology to develop and provide to all dairy producers by January 30, 2000 a publication entitled "How to Survive a Dairy Nutrient Inspection".

ESSB 5803 also requires the Director to appoint a representative to serve on the Task Force created by the bill. The Task Force will review implementation of the 1998 Dairy Nutrient Management Act by Ecology and other agencies. The Task Force expires on December 31, 1999 and may make recommendations to the agencies and may also recommend statutory changes. Ecology is required under this bill to provide staff support to the Task Force.

RESOURCE IMPACTS

No new resources were provided to implement the bill. The May 27, 1999 fiscal note for this bill estimated the impact to be 0.3 FTE equating to a \$31,178 expenditure.

WORK PLAN

The Water Quality Program will develop a draft publication by October 1, 1999. The draft publication will be reviewed by the Task Force, Conservation Commission, and Dairy Federation from October 1 to November 1. The final document will be published and distributed by December 1, 1999. Phil KauzLoric in the Water Quality Program will lead this effort.

It is expected Dick Wallace, also of our Water Quality Program, will serve as the Agency's representative on the Task Force, and Phil KauzLoric will provide staff support. The Task Force may convene by August 1, 1999 and will expire on December 31, 1999.

Since there will be no additional staff hired, a hiring plan is not needed.

Contact person: Phil KauzLoric – Water Quality Program
Phone: (360) 407-6413; E-mail: pkau461@ecy.wa.gov

FINAL BILL REPORT

ESSB 5803

C 262 L 99

Synopsis as Enacted

Brief Description: Changing dairy nutrient management provisions.

Sponsors: Senate Committee on Agriculture & Rural Economic Development
(originally sponsored by Senators Rasmussen and Swecker).

Senate Committee on Agriculture & Rural Economic Development
House Committee on Agriculture & Ecology

Background: In 1998, the Legislature passed the Dairy Nutrient Management Act. The legislation requires that nutrient management plans be prepared for all dairy farms. The plans are required to be approved by July 1, 2002. Certification that the plans have been fully implemented must occur by December 31, 2003.

The act established an inspection program for dairy farms.

A number of issues have been raised in regards to implementation of the program.

Summary: A Dairy Nutrient Task Force is established comprised of 11 members. The members include:

- two members of the House, one from each caucus, appointed by the Co-Speakers;
- two members of the Senate, one from each caucus, appointed by the President of the Senate;
- one representative from each the Department of Ecology, the State Conservation Commission and local conservation districts;
- three active dairy farmers, representing different sizes of farms and different regions of the state appointed by a statewide organization representing dairy farms; and
- a representative of an environmental interest organization appointed by agreement of the Co-Speakers of the House and the President of the Senate.

The task force is directed to review enumerated topics to provide more clarification in the program. The task force must issue a report by December 10, 1999, that consists of recommendations for administrative improvements and statutory changes. The task force is directed to elect a chair and adopt rules to conduct the business of the task force. The Department of Ecology staffs the task force. The task force expires on December 31, 1999.

The Department of Ecology is directed to prepare an informational guide for dairy farmers that explains the expectations of the department when conducting an inspection. This guide must be completed by January 30, 2000.

Votes on Final Passage:

Senate	46	0	
House	94	1	(House amended)
Senate	47	0	(Senate concurred)

Effective: July 25, 1999

Roll Calls on a Bill: 5803 (1999-00)

Brief Title: Changing dairy nutrient management provisions.

1999 Regular Session

Chamber: SENATE
Bill No.: SSB 5803
Description: THIRD READING - FINAL PASSAGE.
Item No.: 44
Transcript No.: 62
Date: 03-13-1999

Yeas: 46 Nays: 00 Absent: 00 Excused: 03

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn, Zarelli

Excused: Senators Hargrove, Loveland, Shin

1999 Regular Session

Chamber: HOUSE
Bill No.: SSB 5803
Description: FINAL PASSAGE AS AMENDED BY THE HOUSE
Item No.: 27
Transcript No.: 88
Date: 04-08-1999

Yeas: 94 Nays: 01 Absent: 00 Excused: 03

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, B., Chandler, G., Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, D., Schmidt, K., Schoesler, Schual-Berke, Scott, Skinner, Sommers, D., Sommers, H., Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Speaker Ballard, and Speaker Chopp

Voting nay: Representative Dunshee

Excused: Representatives Edwards, McIntire, Quall

1999 Regular Session

Chamber: SENATE
Bill No.: SSB 5803
Description: FINAL PASSAGE AS AMENDED BY THE HOUSE.
Item No.: 37
Transcript No.: 101
Date: 04-21-1999

Yeas: 47 Nays: 00 Absent: 00 Excused: 02

Voting Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner,
yea: Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey,
Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles,
Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice,
Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin,
Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn, Zarelli
Excused: Senators McDonald, Swecker